Evaluation of Federal Labour Standards (Phase II)

Final Report

Evaluation and Data Development
Strategic Policy
Human Resources Development Canada

December 1998

SP-AH068-12-98E
(également disponible en français)

106-02370/

Acknowledgements

Study Organization and Development: *This evaluation study was designed and managed by Evaluation and Data Development (EDD), Human Resources Development Canada (HRDC). It was guided within HRDC by a joint EDD/Labour Program evaluation advisory committee. The study was conducted, under contract with EDD, by SPR Associates (Ottawa and Toronto).*

Special thanks *are due to the following, without whose help the evaluation could not have been a success: Mr. Tom Brecher of EDD and Mr. Neil Gavigan, Labour Program, HRDC. They provided regular support throughout the evaluation and valuable comments for reports.*

Additionally, Mr. Bruce Boughen, Mr. Fred Chilton, and Ms. Gay Stinson (Labour Program) provided valuable advice throughout the evaluation. Useful assistance was also received from Part III Technical Advisors and Labour Affairs Officers and from Mr. Bill Worona and staff of the Part II side of the Labour Program.

Finally, thanks are due to the many employers and workers who provided information in surveys. Thanks are also due to all those who were interviewed, including selected business contacts and union representatives, international labour standards experts, First Nations interviewees, and officials in several federal departments/agencies. Canadian provincial and territorial labour standards officials were helpful in many interviews and also in discussions held in Charlottetown in June 1998.

SPR Personnel: *The SPR Associates evaluation team was directed by Dr. Ted Adam Harvey. Dr. Arthur Donner drafted key portions of the report, particularly the literature review, the stakeholder-interviews discussion, and parts of the international review. Key assistance in the evaluation was provided by Ms. Marian Ficycz, Mr. David Judge, Ms. Sue Langton, Ms. Sylvie Baillargeon, Mr. Simon Richard, Ms. Micheline Ross, Mr. Don Storm, Ms. Isabelle Jeanson, Mr. Chris Staines, Ms. Isabelle Baumanne and Ms. Shira Katz. Mr. Vern Douglas of Maang Associates provided assistance with the substudy of labour standards and First Nations.*

List of Abbreviations Used in this Report

ADR	Alternative dispute resolution
AECB	Atomic Energy Control Board
AVC	Assurance of voluntary compliance
CAALL	Canadian Association of Administrators of Labour Legislation
CWW	Changing World of Work: Changes such as the expanding role of non-standard work (e.g., part-time and contract work, telework, at-home work) and non-standard work schedules (e.g., shift work, weekend work).
EDD	Evaluation and Data Development
F	Federal (not used throughout)
FMLA	*Family and Medical Leave Act* (United States)
GE	Good to excellent
HR	Human Resources
HRDC	Human Resources Development Canada
HRM	Human-resource management
INAC	Indian and Northern Affairs Canada
LAO	Labour Affairs Officer
LOIS	Labour Operations Information System
MJH	Main job helps
NSW	Non-standard Work: Work other than traditional employment, where traditional employment is seen as a full-time, regular job, on a regular day, in a regular place of work. NSW includes part-time work, contract work, telework, at-home work, and non-standard work schedules (shift work, weekend work, etc.).
OSH	Occupational Safety and Health
OTC	Office of Tobacco Control
P	Provincial/territorial (not used throughout)
Part II	That part of the Code dealing with occupational safety and health
Part III	That part of the Code dealing with conditions of work (overtime, hours of work, holidays, etc.)
TA	Technical Advisor
TBS	Treasury Board Secretariat
The *Code*	*Canada Labour Code*
WBC	Workers' Compensation Board

Table of Contents

List of Abbreviations Used in this Report

Executive Summary i

Management Response xi

1. Introduction 1
- 1.1 Part III of the *Canada Labour Code* 1
- 1.2 Past Evaluation Research 1
- 1.3 Purposes of the Phase II Study 2
- 1.4 Methodology 3
- 1.5 Outline of the Report 4

2. Basic Study Concepts and Questions 5
- 2.1 The Changing World of Work (CWW) 5
- 2.2 The Changing Workplace and New Challenges for Part III of the Code 6
- 2.3 Key Questions in Phase II 8

3. Literature Insights into the CWW 11
- 3.1 Introduction 11
- 3.2 Human-Resource Policies and the Quality of Work 11
- 3.3 Training and Life-Long Learning 14
- 3.4 Impacts of the CWW on Worker Security/Insecurity 17
- 3.5 Balancing Work and Family Responsibilities 18
- 3.6 Closing Comments on the Literature and the CWW 20

4. Stakeholder Views of CWW/NSW (Non-Standard Work) 23
- 4.1 Approaches to Stakeholder Assessments 23
- 4.2 Non-Standard Work and Labour Standards 24
- 4.3 Improving Life-Long Learning 25
- 4.4 Minimum Protections for Non-Standard Workers 26
- 4.5 Eliminating Harassment in the Workplace 28
- 4.6 Improving the Quality of Family Life 29
- 4.7 At-Home Work and Labour Standards 30
- 4.8 Dependent Contractors and Labour Standards 31
- 4.9 Role of Unions in Compliance with Labour Standards 32
- 4.10 Alternative Mechanisms for Achieving Part III Objectives 32
- 4.11 Concluding Comments on Stakeholder Views 34

5. Employer and Worker Impacts in the CWW 37
5.1 Introduction and Background 37
5.2 Concepts and Method 37
5.3 The Changing World of Work: Continuing Change 38
5.3.1 Employer Reports on CWW and NSW 39
5.3.2 Worker Reports on CWW and NSW 41
5.4 CWW, Quality of the Work and Work Environment 42
5.5 CWW and Life-Long Learning 44
5.6 CWW and Harassment in the Workplace 45
5.7 CWW and (Job) Security of Workers 46
5.8 CWW and the Quality of Family and Personal Life 46
5.9 What Aspects of Work Should be Changed? 50
5.10 Employers' Research and Best Practices 53
5.11 Conclusions and Considerations 53

6. International Aspects of Labour Standards 57
6.1 General Approach to the International Review 57
6.2 Recent Reforms in Foreign Jurisdictions 58
6.3 The CWW in Different Jurisdictions 59
6.3.1 Foreign Jurisdictions 60
6.3.2 Provincial Jurisdictions 61
6.3.3 Conclusions on Jurisdictional Variations 62
6.4 Family-Friendly Policies and Continuing Education 62
6.5 Some Compliance and Enforcement Considerations 65
6.6 Lessons from the International Review 66

7. First Nations and Labour Standards 69
7.1 Introduction 69
7.2 Methodology 71
7.3 Results of the First Nations Interviews 71
7.4 LAO Views on First Nations and the Code 75
7.5 Conclusions 77

8. Occupational Safety and Health (OSH) 79
8.1 Overview on OSH Issues and the Evaluation 79
8.2 Methods 80
8.3 Results 80
8.4 Summary of OSH Issues 83

9. Education, Enforcement, and Compliance 85
9.1 Background: The 1997 Evaluation 85
9.2 Method 85
9.3 How Federal Departments/Agencies Approach Compliance 86
9.4 Conclusions on Education/Enforcement/Compliance 92

10. Summary of Findings and Their Implications for Part III of The *Canada Labour Code*...93
10.1 Issues Related to Balancing Work and Family...93
10.2 Issues Related to Worker Security/Insecurity...95
10.3 Issues Related to Training and Life-Long Learning...96
10.4 Issues Related to the CWW, Federal and Provincial Jurisdictions, and Quality of Work...97
10.5 Issues of Relevance and Enhancing the Code...98
10.6 Labour Standards and First Nations...102
10.7 Occupational Safety and Health...103
10.8 Education, Enforcement, and Compliance...103

11. Various Future Considerations for Part III...105
11.1 Thematic Considerations...105
11.2 Workplace Change and Partnership Considerations...106
11.3 Research and Evaluation Considerations...107

Appendix A: Bibliographies...109
A.1 Bibliography on the Changing World of Work...109
A.2 International Bibliography...113

Appendix B: Worker/Employer Survey Tables...117
B.1 Worker Survey Results...117
B.2 Employer Survey Results...146

Appendix C: Changing World of Work...169
C.1 Changing World of Work: Some Statistical and Trend Data...169
C.2 Survey Method and Technical Notes...178
C.3 International Profiles: Overview...187
C.4 Overview of Selected Countries' Labour Legislation...188

Executive Summary

I. Introduction

The evaluation report summarized here presents the results of the second phase of an evaluation of Part III of the *Canada Labour Code* (Federal Labour Standards) conducted in 1997-98. The evaluation was designed and managed by Evaluation and Data Development (EDD), Human Resources Development Canada (HRDC). It was guided within HRDC by a joint EDD/Labour Program evaluation advisory committee. This study was conducted, under contract with EDD, by SPR Associates (Ottawa and Toronto).

II. Part III of the Canada Labour Code

The *Canada Labour Code* (hereafter the Code), through Part III, provides a regulatory framework for conditions of work (e.g., hours of work, treatment of overtime, conditions of dismissal, holidays, and related provisions). The Code applies in the federally regulated industrial sectors in Canada.

These sectors are generally those which are important to the national infrastructure, such as interprovincial and international trucking, shipping, and air transportation; communications; banking (federal banks[1]); and selected other industrial sectors of importance to the Government of Canada, such as grain elevators, First Nations, and others. Part III defines conditions of work for over 700,000 Canadians in these sectors.

Other parts of the Code regulate labour relations (Part I) and occupational safety and health (OSH) (Part II) through the Labour Branch of the Department, with field implementation by Labour Affairs Officers (LAOs) located across Canada.

III. Evaluation Focus

This evaluation is part of a continuing investigation of Part III of the Code and its workings in relation to public-policy goals, legislation, and broader human-resource concerns of the federal government. Phase I of the evaluation focused on non-compliance with the Code.

Phase II's overall purpose was to gather information to identify considerations for the Labour Program, with a view to keeping Part III of the Code in tune with social change and the changing nature of work. This report assesses the implications for Part III of a variety of factors in the changing world of work (CWW) and non-standard work (NSW). NSW is defined as work other than traditional employment, where traditional employment is seen as a full-time, regular job, on a regular day, in a regular place of work. NSW includes part-time work, contract work, telework, at-home work, and non-standard work schedules (shift work, weekend work, etc.). This report also examines several other subtopics: federal labour standards as they affect First Nations in Canada; issues in Part II

---

[1] Trust companies are provincially regulated

(occupational safety and health) and its possible linkup to Part III, as well as the potential need for a broader evaluation of Part II; issues in education, information, and compliance; and a possible third phase in the evaluation of Part III.

IV. Evaluation Methodology

The examination of issues related to the CWW and NSW was based on a broad-based review of the literature, a supplementary review of available international documents, interviews with various key stakeholders and experts in Canada (about 55) and abroad (about 10), and two major exploratory surveys of employers (over 440 in the federal sector and over 130 in provincially regulated sectors) and workers (over 465 federal, over 140 provincial). The subtopics were studied primarily by means of the selected key informant interviews and were supported by relevant information gathered for other aspects of the evaluation.

V. Key Findings

CWW and NSW as Key Issues in Today's Workplace

The review of the literature reaffirmed that NSW is a rapidly growing phenomenon in Canada and the world generally. The literature also points to widespread *unmet demands for training* in Canada's workplaces, suggesting that goals of enhancing life-long learning are insufficiently supported in Canada's workplaces. As well, as discussed in the *Advisory Group On Working Time Report* (pp. 18-22), Statistics Canada data strongly confirmed that there has been an expansion of *long hours of work* and a substantial amount of unpaid overtime for Canadian workers in recent years.

A variety of conclusions were drawn from the literature: that NSW has generally negative impacts on the quality of working life (and thus productivity); that NSW impacts negatively on worker security; and that the growing emergence of NSW is likely to be detrimental to life-long-learning goals, which are important to continued growth in social well-being, as well as economic productivity. The literature also suggests that long hours are associated with increased stress and insecurity within the employment relationship and have negative impacts on family life. With respect to NSW, there seems to be a strong view in the literature that the public-policy framework governing the self-employed should provide them with the same benefits as those usually accorded to full-time workers.

In spite of certain differences in goals and priorities, the literature suggests that many interests of the employers and employees (and unions) are mutual and that they should converge on common goals, such as the development of family-friendly workplace policies. This has been identified as a prominent concern in the literature, and can be seen in a recent major United States study of family life and work (*The 1997 National Study of the Changing Workplace*, Bond, James T., for the Families and Work Institute, 1998).

These observations suggest that improved family-friendly policies would be of benefit to Canada and thus a useful area for advancing labour standards.

Overall, key informants interviewed were virtually all of the view that the expansion of NSW was the foremost challenge for labour standards today and that because of the CWW, enforcement of labour standards is more difficult than in the past. This is also reflected in differences between employers and labour, in how these issues are approached. *Employers*, for example, generally view labour standards as more of a burden than a benefit in an environment requiring adapting flexibility to the CWW and competitive pressures. At the same time, the current environment appears to have made *unions* uncertain about how to best secure wage and benefit gains for their members or how to arrest the trend towards contracting out work and downsizing staff. Consequently, unions' interest in protecting labour standards appears to be even higher today than in the past, although the types of exact approaches to be taken may be unclear to unions because of the rapid rate of change in the CWW.

At the same time, some common concerns and shared priorities can be found among employer and union stakeholders (as is illustrated in the evaluation survey results). These common concerns were particularly evident in regard to such areas as life-long learning and family life. ***Employer and worker areas of common concern suggest that new approaches should be emphasized which focus more strongly on positive goals, such as learning, productivity, and harmony of work and family life.*** Such new strategies would not *replace* but could rather *build on* the traditional role of labour standards in providing a "floor" for conditions of work and basic protections for workers.

Many of these concerns were echoed in the international literature review and particularly in interviews with international contacts. The most important of these appears to be that pushing labour standards in the direction of stronger *family-friendly policies* and related initiatives is "on the table" and highly desirable in most of the countries contacted for this study. Overall, the international review provided a useful picture of CWW issues and how other jurisdictions are attempting to deal with these.

Employer and Worker Concerns: The surveys of workers and employers pointed the evaluation towards a number of important considerations, building upon what was found in the evaluation's interviews with stakeholders in business and organized labour. Most importantly:

- The survey results suggest that the CWW is a substantial factor in federally regulated sectors, with *long hours of work* being the one most significant aspect;
- CWW phenomena were found to be increasing in the federally regulated sectors; and
- CWW phenomena were found in various ways to affect *both* the federally and provincially regulated employment sectors, pointing to common concerns.

Important negative effects of CWW were noted, particularly by workers, as regards:

- reduced quality of work;
- reduced learning opportunities;
- higher levels of insecurity and harassment; and
- reduced quality of family life.

While a number of CWW factors were noted as impacting on these important aspects of work and life, *long working hours and other work-schedule issues* were noted by workers as the most important of the negative factors.

Key potential changes desired in Canada's workplaces were noted by both employers and workers. Types of changes noted as desirable by both employers and workers (albeit generally more so by workers) included:

- providing workers with the right to take time off in lieu of overtime (as a mechanism to aid the reduction of chronic overtime);
- better access to flextime;
- encouraging employers to provide skills training;
- more assistance for child care;
- improved health and safety in the workplace;
- assurance that employee benefits can be transferred to a new job or self-employment; and
- paid educational leave.

Additionally, some other areas were noted as areas of concern by employers and workers, but there was no clear direction on how these issues should be dealt with. These may warrant further study (along with one key area — harassment — which could not be fully assessed within the methodology of this evaluation). Some of these areas for possible future study include:

- examining the potential of "bundling," or combining, labour standards (e.g., allowing various "mixes" of hours of work, overtime, holiday provisions, etc.);
- examining harassment issues through a more focused study of harassment complainants; and

- examining the potential pathways of developing new labour standards initiatives through investigations involving focus groups and Delphi studies with representative groups of employers and workers.

Worker and employer findings clearly point to the value of labour standards addressing working conditions as they affect quality of work, life-long learning, harassment/security, and family life. These findings also suggest that there is a need to synthesize employer and worker/union views to find areas which could be developed with the harmonized collaboration of both employers and workers/unions.

Other Issues in the Evaluation

Below, we summarize our results on several key topics outside of the CWW issues. Each of these represents important broader concerns for the Labour Program, dealing with First Nations and labour standards; occupational safety and health; and education, enforcement, and compliance.

First Nations and Labour Standards: Findings of the First Nations component of the evaluation pointed towards *a need for more training for LAOs* in matters of *cultural sensitivity* and understanding of First Nations generally and related features of First Nations. Other culturally significant directions, which First Nations representatives noted would be worth pursuing, were: alternative dispute-resolution techniques, such as involvement of customary law or use of elders; *other changes* such as greater flexibility in the Code for First Nations; better information about the Code; and better *recognition of social/political realities* in the Code, particularly in the case of employment terminations, which may sometimes follow the election of a new Chief.

First Nations representatives also expressed interest in discussing the development of *alternative delivery methods* — where they would assume increased delivery responsibilities — mainly because of the relevance to First Nations self-government.

These results suggested that a joint working group effort could be initiated to deal with some of the types of issues noted, perhaps within a single region at first, to assess issues and remedies in the areas of types of information distribution, training for LAOs, and cultural orientation. Alternatively, these findings suggest that it could be desirable to add First Nations representatives to the Labour Program's existing consultation group.

Issues in Occupational Safety and Health (OSH): Findings of this component of the evaluation suggested the following:

Part II/Part III linkups: Generally, a variety of evidence suggests that an enforcement-oriented linkup between the Part II and the Part III data sets might be a useful method for identifying non-compliant employers in each program, depending on the specific company's industrial sector. This linkup is seen as potentially introducing efficiencies and facilitating a more effective enforcement role. A detailed test of this hypothesis is needed, however, and could be undertaken, for example, with the Labour Operations Information System (LOIS) as a key source.

Evaluating Part II: Initial information examined in the evaluation suggests that the improved performance trend in injuries under Part II in the federal sector may be slower than that of provincially regulated sectors. If this finding is validated through a detailed analysis, it would point to important issues in the OSH infrastructure of industries under the federally regulated sectors and potentially important cost issues. *Significant costs for injuries and property damage would be occurring which could be reduced. This possibility gains in importance when we note that (unlike Part III), Part II covers the federal public service as well as federally regulated employers.* ***Overall, considering issues of Part II/III linkup, costs of injuries and workers compensation, and operational issues, this assessment points to considerable potential value in considering a variety of research, including a formal and comprehensive evaluation of Part II.***

Education/Enforcement/Compliance: This part of the evaluation brought forward some key issues related to compliance as seen by federal officials and others. Key points made by various federal representatives dealt with a wide range of client attitudes which influence compliance — from lack of awareness to deliberate non-compliance — when compliance was a problem. In all cases, however, an education/information approach was considered the most effective strategy, with heavy-handed enforcement/prosecution to be used as a last resort. These officials also reported that there is a belief that interdepartmental experiences with compliance are worth sharing, and that it is important to endeavour to remove inconsistencies within departments and to create a consistent framework within the federal government.

Two results stand out from these discussions: first, the results point towards considering certain changes to the compliance strategy as set out for the Labour Program, specifically through cost-saving efforts in the areas of education, the pooling of experiences, flexible policies, and ready response to requests for clarification; second, these results reaffirm the potential for certain conclusions of the 1997 evaluation. ***Specifically, these results underline the potential value of an effort to formally assess the impact of both stronger education and stronger enforcement strategies (see below, "Future Considerations for Part III").***

VI. Future Considerations for Part III

Development of Part III

The evaluation identifies a number of broad considerations for the Department as regards the future development of Part III to deal with the range of issues examined in CWW, Part II, and so on:

- **Long Hours of Work:** Because the results show that chronic overtime is a pervasive phenomenon in Canadian workplaces, particularly in the federally regulated sector, and because workers identify this as a problem for balancing work and family life,should be considered which will aid the balance of work and family life. A such initiatives, the literature, and worker and employer views point towards particular value in considering protections such as, the right to time-off in lieu of paid overtime. This Part III alternative was endorsed as a desirable workplace change by majorities of both workers (61 percent) and employers (58 percent) surveyed.[2]

- **This overall support for time off alternative** put it front and centre in our examination of workplace practices which could ease the chronic overtime problem. In contrast, alternative approaches, such as providing workers the right to refuse overtime, previously recommended as a policy alternative by HRDC's Advisory Group on Working Time and the Distribution of Work (1994) were also supported by workers, but less so (supported 44 percent of workers as a desirable change) and the right to refuse overtime was only endorsed by a small minority of employers (only 24 percent of employers saw this as a desirable workplace change).

- **Family-friendly and learning-oriented policies** could be a key priority in Part III, the results suggest strongly aiding workers to better combine work and family responsibilities and to pursue learning opportunities with fewer impediments. Overall, as well it is anticipated that these types of policies will, in the long run, benefit the productivity of Canadian workplaces.

- **Combining Labour Standards:** The evaluation findings suggest that combining, or "bundling," of labour standards may be a useful concept to investigate, potentially to increase worker/employer flexibility while still maintaining basic floor standards. Combining labour standards, if feasible, would provide flexibility by allowing more generosity on one standard and less on another, where agreeable between employers and workers.

- **First Nations:** To respond to the unique needs of First Nations (e.g., unique configurations of employment and political/economic/cultural context), the results suggest that the Labour Program may find it desirable to establish a special dialogue with First Nations on the refinement and development of labour standards and their delivery.

- **An evaluation of Part II** is discussed, relative to a Part II/Part III linkup, and the apparent need for a stand-alone evaluation of Part II (OSH). Overall, a number of indicators pointed to the desirability of an evaluation of Part II, particularly given the widespread employer and worker concerns regarding OSH.

- **Enforcement and Education:** In the development of enforcement initiatives, the results suggest that a mix of strategies should be considered separately or in combination, for example, (1) regulatory strategies, enhancing worker rights in labour standards; and (2) educational activities, strengthening the commitment of human-resource managers and companies to related policies. Education and information are seen as the key strategies for most employers, intentional non-compliers excepted.

---

[2] These data represent federal sector workers' assessments of what they felt "employers should do to improve the quality of work", and employers' assessments of what workplace practices they felt "should be encouraged more in Canadian workplaces".

Considering compliance more broadly, widespread support for educational initiatives, both internationally and among other federal departments, suggests that it would be appropriate to explore the development of educational/informational experiments. This widespread support for educational initiatives suggests that these types of experiments could be aimed at improving employer awareness of their obligations, which would potentially reduce the workload costs of inspection-based enforcement and would provide an assessment of the cost-effectiveness of different types of approaches.

Considerations for Workplace Change

Some key potential changes were noted by both employers and workers in the evaluation surveys. In some cases, employers and workers appeared to share a common view of the kinds of changes needed in Canadian workplaces. Their views provide a platform for considering consultative avenues and include, as noted earlier, employer and worker support (albeit generally greater by workers) for such changes as:

- providing workers with the right to take time off in lieu of overtime (as a mechanism to aid the reduction of chronic overtime);
- better access to flextime;
- encouraging employers to provide skills training;
- more assistance for child care;
- improved health and safety in the workplace;
- assurance that employee benefits can be transferred to a new job or self-employment; and
- paid educational leave.

Building New Partnerships

To a great extent, this evaluation research has been most striking in the way in which it has identified the awareness of, and potential for, dealing with problems.

For example, many employers indicated a great deal of interest in developing more viable solutions to problems of family/work linkage, more viable models of at-home work, etc. This was also reflected in employer views of the potential for research and best practices in these areas. These findings suggest good potential for developing employer/worker (union) partnerships, possibly on a sectoral basis. Similarly, the evaluators were struck with the interest of First Nations in finding better ways to deal with many of their concerns.

Some of these findings may point to the desirability of developing new types of linkages to resolve such issues, beyond the traditional consultation processes which have been pursued by Part III. Some of these could be, for example:

- developing problem-focused working groups with industry — for example, examining the development of family-friendly policies in a particular sector;
- linking to academic and other institutes concerned with topics such as quality of family life;
- working jointly with other governmental units focused on related problems, such as life-long learning, family life, etc.; and
- promoting academic research on some of these issues.

Developing dialogue, consultations and partnerships in these areas may require special efforts and additional or reallocated staff for the Labour Program to develop new linkages with employers' groups, industry sectors, First Nations, and professional associations.

Possible Considerations for Research and Evaluation

Additionally, some other areas which noted as concerns by employers and workers may warrant further research (along with one key area — harassment — which could not be fully assessed by the methodology of this evaluation). Some of these topics that have emerged, possibly as requiring research or evaluation attention, which could aid consideration of future changes in Part III, include:

- examining the potential of *"bundling" labour standards;* study findings suggested that some approaches could involve looking at the trade-offs which workers and employers see between different types of labour standards and how preferences are mixed (e.g., how do workers assess a cap on overtime versus the point where overtime "clicks in" versus time off in lieu of overtime pay, or other). Such issues could be explored through focus groups, providing new perspectives on labour standards flexibility and useful insight to assessments of the Part III legislation alternatives;
- examining the *potential pathways to new labour standards initiatives*, as noted above, through investigations involving focus groups and Delphi studies with stakeholders and representative groups of employers and workers. Such a series of inquiries could examine closely the advantages, disadvantages, obstacles, and trade-offs attendant on considering new standards related to issues such as family life and learning;
- examining *harassment issues* through a more focused study of complaints and complainants; study findings suggested that such a study would look closely at the causes of harassment and how (noting the correlation of some CWW phenomena with worker concerns with harassment) labour standards might reduce the risks of harassment. Such a project could be approached through a survey and could be linked to a broader survey of complainants (such a survey has never been undertaken for Part III);

- examining further the *international perspective* on these and related questions. Initial contacts for this evaluation have opened a wide range of contacts and created great interest in exchanges among international contacts in the United States, and the European Community. These connections could be used to pursue a more integrated understanding — perhaps through a formal Delphi study — of the future of labour standards approaches to CWW, development of family-friendly policies, etc.;

- examining *other Part III evaluation issues:* In addition to study elements discussed above, a potential element of evaluation for any continued review of Part III would be to formally examine the impacts of informational/educational efforts. Study findings suggested that this approach could take either of two formats: (1) a formal experiment in education/information; or (2) monitoring educational/information inputs and impacts. Any such study would ideally be linked to a review of other compliance efficiency issues, such as examining the impacts of in-depth audits and use of Part II/Part III linkups to identify non-compliant employers.

Other Research: Finally, the evaluation results suggested that a number of areas of research would be aided by the collection of better data on working conditions in federally and provincially regulated sectors. Some of this type of work could be aided by potentially modest changes in procedures, definitions, etc., for larger surveys conducted by Statistics Canada. The evaluation's results suggest that review of the way in which such data could be improved would be highly desirable.

Overall, a concluding round of this Part III evaluation could resolve a variety of Part III issues and provide potentially useful input to the future development of Part III.

A Possible Evaluation of Part II: During this evaluation, as a topic in itself, not as an aspect of Part III, an evaluation of Part II has been suggested as an important priority for the department. Such an evaluation would possibly require a review of key issues in the organization, delivery, and effectiveness of the program but could also address both administrative issues of concern to the program (i.e., linkups and reporting in new regional administrative structures). Such an evaluation could also address *key results* related to costs of OSH infractions (including those within the federal public service), the effectiveness of internal responsibility, etc.

Management Response

Labour Program Management has reviewed the final report of the Labour Standards Evaluation, Phase II. Overall, this evaluation provides a sound basis for the further study, discussion and consultations on the future direction of federal labour standards and alternative methods of dealing with the changing world of work. Labour Program Management agrees with the establishment of the third phase of the evaluation which would involve a more focused look at a select number of emerging labour standards issues.

It is expected that the results of the third phase, along with the reports of Phase I and Phase II will be shared with Labour Program clients at a meeting of the Labour Standards Client Consultation Committee (LSCCC). This will enable us to further validate the findings against the real experiences of key clients and facilitate discussion of possible directions to take with respect to legislative or regulatory change.

Labour Program Management is particularly interested in the findings and conclusions regarding labour standards and First Nations. These are particularly topical given the discussions surrounding self-government and the ongoing administration of federal labour legislation with First Nation employers and workers.

1. Introduction

1.1 Part III of the *Canada Labour Code*

The *Canada Labour Code* (hereafter the Code), through Part III, provides a regulatory framework for conditions of work (e.g., hours of work, treatment of overtime, conditions of dismissal, holidays, and related provisions). The Code applies in the federally regulated sectors. These sectors include interprovincial and international commerce, such as trucking, shipping and air transportation, banking (federal banks), communications, and selected other industrial sectors of importance to the Government of Canada, which are generally those outlined as being important to the federal infrastructure.[3] The Code defines conditions of work for over 700,000 Canadians.

Labour standards under the Code are paralleled by a similar set of regulations and provisions applied by each province and territory to non-federal sectors (these provincially regulated sectors include, for example, manufacturing, services, retail and wholesale, and agriculture [excluding grain elevators]).

Other parts of the Code regulate labour relations (Part I) and occupational safety and health (OSH) (Part II). Labour Affairs Officers (LAOs), who administer Part III, may in many cases also administer Part II.

1.2 Past Evaluation Research

This report is part of a continuing investigation of Part III of the Code and its workings in relation to public-policy goals, legislation, and broader human-resource concerns of the Government of Canada. Phase I of this evaluation research, completed in Fall 1997 (HRDC, 1997), indicated important benefits from Part III — that the Code resulted in a number of positive impacts for Canada as a whole.

The 1997 study demonstrated, for example, that particular benefits occur for workers (e.g., protected conditions of work), as well as for employers (e.g., level playing field). The 1997 evaluation research also demonstrated that compliance with the Code was not an unwarranted cost to employers.

The 1997 evaluation report identified a number of important issues, among them the issue of widespread non-compliance with Part III and the need for education and information for employers. These findings led to an hypothesis that new forms of education and information could improve compliance with the Code.

---

[3] Banks are federally regulated, but most other financial institutions, such as trust companies are provincially regulated. Other federal sectors include pipelines, grain elevators and First Nations.

The Phase I study also highlighted some relationships between Part II and Part III of the Code. For example, the Phase I evaluation research indicated that Part III complaint processes had, for a number of years, been drawing resources from enforcement of Part II. This finding led to other discussions regarding the hypothesis considered in this study that employers not complying with Part II might also be non-compliant with Part III.

1.3 Purposes of the Phase II Study

The overall purpose of this evaluation study is to gather information to identify considerations for the Labour Programs with a view to keeping Part III of the Code in tune with social change and the changing nature of work.

The report builds on the first phase of work by examining in more depth the relation of Part III of the Code to labour-market changes, and particularly to the impacts of certain working conditions on workers. The Phase II study builds on new knowledge by examining a variety of labour conditions affecting workers, particularly as related to what has been termed here the "*changing world of work*" (CWW).

The report gives emphasis to the CWW and its implications for Part III. Various features of the CWW were explored, with results analyzed and implications drawn for federal labour standards using selected surveys in Canada and domestic/international key informant interviews. The report includes survey findings on employers' and workers' experiences with such CWW factors as part-time work, at-home work, teleworking, contracting, non-standard hours of work, etc., and the implications for labour standards regulations and administration.

Primary Purposes, Examining Key Issues in the CWW: The analysis was planned to emphasize key policy priority areas deemed to affect important goals for Canadian society and for human resources — quality of work, life-long learning, security, and quality of family life.

Each of these priority areas is rather broad. *Quality of work life* relates to the employees' assessment of the workplace setting per se, particularly in terms of such issues as hours of work, flexibility, and working conditions in general. *Life-long learning* incorporates the individuals' need to continuously upgrade himself/herself over the longer term to cope with increasing market and employer demands. Accordingly, the ease of access and the actual availability of training and upgrading are important issues. *Security* refers both to general security and workplace and job security, including all forms of harassment which might be associated with the workplace. *Quality of family life* relates to the specifics of the work situation as it affects the family. Quality of family life is closely linked to the quality of the workplace, particularly hours-of-work issues.

This report and the analysis to follow focus on the changing incidence of these work-life phenomena. The analysis examines *negative* impacts, as well as the *positive* features, of the CWW for workers and employers.

Other Purposes of the Evaluation: Using key informant interviews, this report includes substudies of several other issues in Part III, and also selected issues regarding Part II of the Code. The report examines federal labour standards as they affect *First Nations* in Canada and examines issues in Part II (*OSH*) and its potential linkups to Part III — the hypothesis noted earlier (and operational implications) that employers who are non-compliant under Part II of the Code may also be non-compliant under Part III. This is considered primarily from the perspective of operations — that a system to identify non-compliant employers in one part could aid in the efficient identification of non-compliant actors in the other part. In addition to these operational issues, the evaluation examines the topic of the *potential need for a broader evaluation of Part II* to ensure that OSH in the federal jurisdiction is achieving the best possible financial and human impacts within the most efficient operational framework for program delivery.

The report also examines *issues in education, information and compliance;* related issues in experimentation; certain implications of findings on the CWW, and their policy implications. Finally, consideration is given to the desirability of, and issues for, *a possible Phase III evaluation of Part III.*

1.4 Methodology

This section provides an overview of all the components of this study. Use of multiple methods is noted — as information has been gathered from a wide variety of sources.

As in the Phase I report, the key evaluation research and policy issues are approached from a number of complementary directions. For example, insights on the CWW (and the related issue of non-standard work [NSW]) are initially drawn from a broad *review of the literature.*

Additional insights are drawn from our *review of the international literature*, from a series of *interviews with stakeholders* and experts in Canada and abroad, and by means of *two major surveys* of employers and workers.

These surveys go beyond the past valuable work of Statistics Canada and others in examining such issues as hours of work and work arrangements. The surveys for this evaluation are "ground-breaking" in the sense of providing a first systematic look at the impacts of NSW. These surveys provide not only a look at the negative impacts of NSW on such areas as life-long learning and family life but also a view of the kinds of changes workers and employers would like to see employers and government making to deal with these issues in Canadian workplaces.

Thus, multiple methods are applied — the views of labour standards experts (particularly Canadian Association of Administrators of Labour Legislation [CAALL] officials, international officials, private-sector stakeholders, union officials, etc.) are highlighted against other forms of information, i.e., the literature reviews and the surveys of workers and employers.

The survey data permit us some important conclusions to be drawn with respect to NSW and the CWW. As well, the survey data illustrate some important differences in the CWW and NSW between federal and provincial jurisdictions.

The key elements of the CWW are also examined in the literature review, where issues are isolated under the priority areas discussed above (quality of work, life-long learning, security, and quality of family life). In a similar fashion, the domestic and international stakeholder interviews and the worker and employer surveys also focus heavily on the same key priority areas. Finally, a consistent set of policy issues is followed throughout the study.

1.5 Outline of the Report

The report is presented in 11 sections, as noted below:

Section 1: presents the basic raison d'être, approach, and method of the evaluation;

Section 2: outlines the core evaluation research questions;

Section 3: summarizes key findings from the literature;

Section 4: summarizes the domestic stakeholder interviews;

Section 5: presents findings from surveys of employers and workers;

Section 6: presents the international review of selected labour standards topics, with a focus on best practices and future expectations;

Section 7: discusses labour standards and First Nations;

Section 8: examines Occupational Safety and Health (OSH) and linkages to Part III;

Section 9: deals with issues relating to education and compliance as they affect Part III, including the potential for future experiments in this area;

Section 10: summarizes the findings and their implications for Part III of the Code; and

Section 11: deals with various future considerations for Part III.

2. *Basic Study Concepts and Questions*

2.1 The Changing World of Work (CWW)

CWW Issues: Broadly, the issues can be described as the linkage (and role) of labour standards with such issues as the quality of the work environment, life-long learning, and the quality of family life. The changing world of work (CWW) is a general issue which dominates this phase of our work. A number of features of the CWW and how it is seen in Canada today can be described under the following topics (see Appendix C.1 for additional details):[4]

- *Rapid growth in self-employment:* Between 1989 and 1996, self-employment accounted for over three-quarters of new jobs created in Canada.

- *Contingent or non-standard work:* Such work is growing more rapidly than regular, full-time paid employment. Temporary work has expanded significantly in the 1990s. There has also been a very rapid expansion in the pool of part-time workers.

- *Telecommuting and home (office) work* are being sought out both by employers and by workers. However, there are a number of regulatory challenges associated with this new kind of work.

- *Job insecurity* remains high, in spite of the economic expansion which has been going on.

- There has been a surprising *absence of good jobs* in the 1990s (with benefits, a future, etc.).

- *Disguised unemployment* and *technological unemployment* are both major constraints on job creation in the 1990s.

- The *polarization of working-time distribution* has substantially increased in the 1990s, with increasingly long working hours.

- A new emphasis is seen on *flexible working schedules* and high levels of shift work, work on weekends, and so on.

---

[4] These features have been widely commented on in the domestic and international literature, as well as in the media. Statistics Canada publications, particularly *Canadian Social* Trends and *Perspectives on Labour and Income*, have included a number of separate articles on the CWW and its impacts on individuals and families. For example, see *Perspectives*, Summer 1998, Volume 10, No. 2, or *Canadian Social Trends*, Winter 1996, No. 43.

These key features identified above flow from an assessment based on experience from working in this area. This classification is not a definitive catalogue of all of the changing aspects of the world of work, but it serves as a useful start for this evaluation report. It was beyond the scope of this work and the terms of reference to deal with all of these facets of the CWW. Therefore, a choice was made to emphasize aspects of the CWW which link most closely to labour standards and the key policy concerns identified by HRDC.[5]

Sociological Issues: Important sociological and demographic changes have dominated the past several decades and still both affect and are affected by the new working arrangements. These developments include the continuing emergence of the *single-parent family*, the impact of the growing prevalence of the *two-earner family*, the increasing need for elder care, and the growing need for child care.

These issues affect the workplace, labour productivity and workers' ability to balance work and family pressures. Obviously, labour standards must also take into account these demographic and sociological changes. Consequently, these issues are carefully probed in the surveys completed as part of this evaluation and are examined throughout the report.

2.2 The Changing Workplace and New Challenges for Part III of the Code

The *Canada Labour Code* is being challenged in ways which could not be thought of as recently as only two decades ago. The basic raison d'être of the Code is still admirable. *The primary objective of the Code is "to establish and protect workers' right to fair and equitable conditions of employment consistent with prevailing social and economic conditions."* But the key elements in the above statement are being challenged from many directions. The key phrases are:

- *protect workers' rights;*
- *fair and equitable conditions of employment; and*
- *consistent with prevailing social and economic conditions.*

Information gathered for this report suggests that despite certain benefits associated with the CWW, it has become more difficult for the Code to protect workers' basic rights in the 1990s. Social and economic conditions and attitudes have changed significantly in Canada in the 1990s, and the evolution of the economy in the 1990s makes it more difficult to provide equitable distribution of employment opportunities.

---

[5] Consequently, our report only indirectly considers the earnings inequality issue (i.e., the absence of high-paying jobs) or disguised unemployment. Technological unemployment arises in our work primarily through the changing nature of job requirements and the report's emphasis on training and life-long learning.

What follows is a discussion of how the labour market has changed in Canada in the 1990s, including a brief sketch of some of the forces behind these changes. The main point is that these changes have in effect placed constraints on workers' protection under the Code, raising questions as to how to possibly alleviate this situation.

A Myriad of Forces Are Changing Canada's Workplace: Labour markets in the industrial countries have been experiencing monumental changes over the past 10 years. These changes are so dramatic that one can quite accurately describe them as a new industrial revolution. We are seeing this new industrial revolution play itself out in the workplace, as firms and governments are more determined than at any other time over the past half century to achieve higher levels of production with fewer workers.

Competitive pressures and new technologies are also displacing labour in a manner not seen since the first industrial revolution. This new industrial revolution, combined with increased global competitive pressures and the legacy of recent hard times, makes it more difficult for employers to think of expanding their workforces as they might have in the past. The corporate sector has been at the forefront of downsizing and restructuring stemming from increased competitive pressures, as well as the introduction of new technologies.

Government Capacity to Protect Workers Is Reduced: At the nation-state level, a number of forces are at work, including the erosion of the Keynesian welfare state and a sense that government intervention in markets has to be reversed. Virtually all governments have been facing major fiscal constraints and have been curbing spending in order to either lower taxes or pay down their outstanding debt.

The counterpart to the fiscal squeeze has been a shift in non-budgetary delivery mechanisms — public-sector intervention in markets is less acceptable today than in the past, and many of the changed policy directions of the past 10 years have been moves to extricate the public sector from markets and to deregulate the markets as much as is feasible. The deregulation-of-markets trend has important meaning for all government policies, including labour standards.

While economists have comfortably argued for generations that mass unemployment is not possible as long as the economy is growing quickly enough, this proposition has less validity today. Even if Canada were lucky enough to replicate a 1980s-style economic boom, the number of regular, full-time new jobs created would likely be considerably smaller.

In this new, less interventionist government era, it is very common for governments and the central bank to set targets for inflation and budget deficits, but rarely are targets for job creation established. Moreover, the 1950s-1960s concept of full employment has been completely displaced (and discredited) by the concept of NAIRU (the non-accelerating inflation rate of unemployment), as a desired public-policy priority. This concept in effect means that society is faced with much higher unemployment than in the past.

This new industrial revolution and the observed trend of slow growth in quality jobs have immense implications for the stability of our society and the regulatory structure which governs the labour market. For some individuals, the opportunities associated with this new industrial revolution and the corresponding CWW, provide opportunities for greater personal growth, improved personal flexibility in terms of balancing work and leisure, and opportunities for more stable and higher incomes. For others, however, a reversing of these elements is a reality. The opportunities, or lack of opportunities for these persons, translate into major economic and family problems.

The bottom line is that portions of the public feel far more insecure and continue to look to governments to play a role in alleviating their insecurities. Determining, in this context, how governments can best protect workers and pursue key related policy goals is a major challenge.

2.3 Key Questions in Phase II

The following basic questions guided the evaluation research and analysis underpinning this report.

Changing World of Work	
1.1	(a) What changes in the Canadian labour environment impact on labour standards? (b) What are the considerations for enforcement/compliance, legislation? (c) How do labour standards impact labour markets?
1.2	How are CWW provisions reflected in labour standards compliance? Needs for enforcement? What CWW benchmarks could be established for future labour standards?
1.3	An assessment of the degree to which the Code applies to workers and workplace in the new ways of working: Are there ways in which the Code could be broadened in order to apply to these workers or these working situations?
1.4	The Code does not cover independent contractors: Are there any aspects of self-employment — independent contract work that could fall within the Code?
1.5	How adequately does the Code apply to the new flexible ways of working, including telework, at-home work, flexible working-time arrangements, part-time work?
International Review	
2.1	What are the objectives of labour standards legislation in jurisdictions other than the federal jurisdiction in Canada (provincially, in the United States, the European Union, and elsewhere)? How are standards harmonized within different jurisdictions?
2.2	How do other jurisdictions deal with CWW phenomena?
2.3	(a) How are labour standards objectives achieved in these other jurisdictions? (b) How are efficiency and equity goals achieved in labour standards operations in other jurisdictions? (c) What are the Code provision strategies that work most effectively? (d) What are the administrative tools that work best (education, enforcement, etc.)?
2.4	Are there measures other than labour standards that can aid labour standards objectives?
First Nations and Labour Standards	
3.1	Are current federal labour standards and administration procedures appropriate for First Nations? Are LAOs fully trained and equipped to deal with the unique aspects of First Nations businesses/employers?

3.2 Would alternate delivery methods be more appropriate for First Nations/businesses?
3.3 Do First Nations see ways to simplify the Code and administration? Are any First Nations-type solutions adaptable to simplify the Code or administration of Part III generally?
Phase III Evaluation/Compliance and Related Issues
4.1 What issues are of continuing concern in the Code for a Phase III evaluation in 1998-99? Particularly, what continuing needs exist in information/education and experimentation?
Occupational Health and Safety Issues
5.1 What are the implications for study of Part II/Part III linkups? What is the need for an evaluation of Part II of the Code in itself?

Selected Quotations from the Literature
"Even those who advocate flexible work scheduling as a liberating measure which increases people's [ability to control time] admit that the vested interests of employers are more often satisfied by such measures than are those of the workers." (William K. Roche, Brian Fynes and Terri Morrissey, "Working Time and Employment: A Review of International Evidence," International Labour Review, Vol. 135, 1996, No. 2, 152)
"In a lifelong learning strategy, it is especially critical to assist less-qualified workers in upgrading their skills and getting them into jobs that utilize those skills....Options such as raining levies and individual training vouchers have been explored, but with mixed success. One avenue that would deserve further exploration is the establishing of national certification/recognition arrangements as one way of improving the functioning of the labour market." (Organization for Economic Co-operation and Development news release, Employment Outlook, 1997, July 10, 1997)
"Enterprise-based training may no longer be sufficient to meet the needs of future media workers. The employment structures of many firms in these converging industries rely on a diminishing core of permanent, or at least long-term, employees and on a growing proportion of contingent workers employed part-time, temporarily or on a project-by-project basis. Because of their part-time status and especially in the instance of short-term engagement, these workers rarely, if ever, benefit from employer-provided training packages, which are largely directed to permanent staff." (ILO Symposium on the World of Work, No., 19, March 1997)
"Employees with more difficult, more demanding jobs and less supportive workplaces experience substantially higher levels of negative spillover from work into their lives off the job-jeopardizing their personal and family well-being." (1997 National Study of the Changing [US] Workforce; Synthesis of Findings, June 16, 1998)
"Since 1987, Canadian trucking firms have faced two important changes, each having left its own mark on the industry. Deregulation, introduced a level of competition unequalled in the past ..... Free trade legislation, under the FTA [Free Trade Agreement] and NAFTA [North American Free Trade Agreement], opened up opportunities for Canadian firms abroad, but it also intensified the level of competition by bringing in other players, namely US trucking firms. The fact that these policy changes have occurred within the span of less than a decade implies that Canadian carriers did not have the benefit of time on their side in learning to adjust to a global market." (Statistics Canada, Canadian Economic Observer [profile article on the trucking industry], November 1997, p. 3.11)

Selected Quotations from the Literature

"The failure to enforce internationally-recognized labour rights could prevent GATT from achieving its objectives of raising living standards and ensuring that workers in all countries benefit from trade." (Stephen Hertzenburg, Institutionalizing Constructive Competition: Internationally-Recognized Labor Standards and Trade, January 1988, mimeo, p. 2).

3. Literature Insights into the CWW

3.1 Introduction

This section of the report draws some important insights from the literature on the labour market and the CWW, labour standards, and the new emerging labour environment. In addition, a bibliography is attached in Appendix A. The observations based on the literature review should be kept in mind when considering the information gleaned from our interviews with key stakeholders (in Section 4) and from the worker and employer survey data (presented in Section 5).

This discussion of the literature is organized around four key issues, which are important for positioning the evaluation. The issues discussed in this section relate to a variety of issues: human-resource policies and the effects on the workplace, the *quality of work life* and productivity, the *importance of training and life-long-learning* opportunities for both firms and employees/workers, *balancing work and family responsibilities*, and the impacts of the CWW *on worker insecurity*.

3.2 Human-Resource Policies and the Quality of Work

The literature confirms a strong association between enlightened human-resource-management (HRM) policies and improved worker morale and productivity. However, the studies suggest that while many Canadian employers pay lip service to the concept of enlightened human-resource policies, in fact most workplaces fall short of generating high-performance outcomes in this area.

As well, there does not seem to exist an easily identified set of HRM policies which work in all circumstances. For example, a very comprehensive report based on the findings of the Human Resources Practices Survey (Betcherman et al., 1994) concluded that Canadian employers are generally not adequately responding to the changing world of work.

Betcherman et al.'s report identified three different HRM models in Canada. The so-called *traditional model of HRM* associated with narrow job descriptions, compensation schemes without incentives features, and limited worker investments in training was reported to account for about 70 percent (weighted) of Canadian establishments with 40 or more employees in 1993. This model is very widespread in the heavily unionized manufacturing and the resource sectors, where collective bargaining has introduced a number of job rigidities. These traditional HRM systems are associated with relatively poor performance outcomes. Family-friendly human-resource policies (such as flexible schedules, working at home, job-sharing, the provision of family-care benefits) are rare in the traditional work site in Canada.

The other two workplace organization systems Betcherman et al. identified are the *compensation-based* and *participation-based* models. The compensation-based and participation-based models are estimated (weighted) by that study to account for about 12 percent and 18 percent, respectively, of the surveyed firms. The participation-based model emphasizes the team method of production, while the compensation-based model relies on sophisticated compensation systems with variable rates of pay to induce worker commitment and flexibility. As compared to the traditional model, these latter two types of organizations were found to be associated with increased flexibility, co-operation, increased worker commitments, and in some cases higher levels of training (Betcherman et al., 1994).

What are the main ingredients in high performance? An improved outcome for "both" employers and workers, the literature suggests, seems to require:

1. a flexible approach to work rules and job descriptions;
2. high levels of worker involvement in decisions;
3. employer willingness to train and upgrade their workers' skills;
4. family-friendly policies; and
5. a work environment which improves health and reduces stress.

Indeed, both unions and management are somewhat uncomfortable with certain aspects of the high-performance workplace.

A brief discussion of some of the components of the high-performance workplace is warranted. A flexible approach to work rules and job descriptions is very controversial — and unions and management often interpret "flexibility" in completely different ways.

Indeed, flexibility has become an unacceptable code word to unions, which resent management moves in these directions, since they are often seen as reducing the power of organized labour.

In a similar way, management in many firms has problems with worker involvement in decision-making and the extra costs that management might advocate with training and upgrading worker skills. Management, as pointed out later in this section of the evaluation, is more willing to train and upgrade management-level jobs than lower skilled level jobs.

Family-friendly policies tend to be more of a worker than a company concern. Once again, family-friendly policies and flexibility are often seen differently from the different sides of the bargaining table.

In a similar way, a work environment which is healthy and reduces stress might also be associated with improved productivity, but there is a "front-end" cost component which might make firms worry about their competitiveness.

These findings are important for this current assessment of Part III, since the description of a high performance workplace centres very closely on the issues being examined here.

Finally, unionization must be noted as a significant factor in the literature, although the link between unions and workplace performance is by no means simple. Unionized shops, for example, are able to generate minimum labour standards more easily than non-unionized establishments. The literature is also clear on the importance of unions in ensuring compliance with labour standards. But similar studies also suggested that unionization has a mixed effect on industrial productivity. For example, the literature suggests that unionized workplaces with traditional management-worker relationships often generate lower productivity and often experience poor morale.[6]

The data is clear with respect to earnings differentials between unionized and non-unionized employees. Unionized firms on balance pay higher wages than their counterparts. However, is the higher pay due to higher levels of productivity and/or simply related to working for larger firms or organizations? Often one hears of the relatively high wages and productivity in the Canadian auto industry, where assembly workers are unionized. It is difficult, at the margin, to separate the causal links between productivity, wages and the degree of unionization in the high performance workplace.

Why is it so difficult for managers to achieve union co-operation and vice-versa? In some ways, economic insecurity on both sides, changes in the power balance, and pressures associated with the new changing world of work are keys to the explanation.

New technologies have both created and eliminated jobs. In unionized settings, there is little doubt that the CWW has displaced workers, redefined jobs and changed skill requirements. New technologies which require flexibility, involve the blurring of job boundaries which redefine job and skill requirements, threaten a labour relations system based on seniority and the formal, legal relationship inherent in contracts negotiated through the collective bargaining process.

Unions have long argued that only workers together can look after their own interests since management is primarily accountable to shareholders and not to workers. Consequently, in pursuit of job control for their members, unions have traditionally pushed for collective bargaining agreements with tight rules and procedures setting the conditions of work.

---

[6] National Bureau of Economic Research, Summer, 1997 and Families and Work Institute, *National Study of the Changing Workplace*, June 1998.

Seniority, with its rigidly defined job classifications and payment systems is fundamental to unions exercising some control over the workplace for the benefit of their members. Management in the traditional unionized work setting is less competitive in the new world of work and international trade. Thus the dilemma facing unions is that investments and jobs seem to be shifting in the direction of jurisdictions that have either weak unions or no unions.

Thus, as one union assessment states, "it is striking to what extent employers will attempt to avoid dealing with a union if other options exist. For example, German auto and auto parts firms such as Mercedes Benz, BMW and Bosch — all of which have long standing relationships with the metal workers union and with work councils in Germany — have located their United States operations in right-to-work states, and have strongly resisted unionization." (The Canadian Labour Congress, *The Future of Jobs*, Research Paper #4, p. 41).

In contrast, workplaces with incentive-based compensation schemes tend to generate higher productivity. The literature provides limited guidance on the impacts of the unions operating in non-traditional human-resource environments.

Finally, assuming that the "high-performance" direction defined by Betcherman et al. represents the wave of the future, to the degree that workers and their unions see themselves losing control (particularly with respect to work rules, job descriptions, hours), unions will likely emphasize even more strongly the role of labour standards as providing workers with a social "floor" of working conditions.

Thus, the importance of labour standards from an employee/union perspective increases while, at the same time, competitive global pressures mean that firms will desire a more flexible, accommodative workforce. This tension represents the real challenge of the future with respect to larger, unionized workplaces.

While the literature is limited in scope, these findings underline how conditions of work, which can be influenced by labour standards, may influence productivity.

3.3 Training and Life-Long Learning

How do training and life-long learning link in with labour standards? The literature assessing the amount of training which is going on and its limitations (i.e., uneven access, financing, coverage) is substantial. That larger corporations are heavily involved in training is clear in the literature (Chaykowski and Lewis, 1994).

However, it is not clear that the level of training in Canadian workplaces is significant enough, nor that the kind of training supplied through the employment relationship matches or facilitates the current need for life-long-learning due to rapidly changing technologies and workplaces or is "well-distributed" in the workforce. Indeed, the literature suggests that formal training programs tend to be heavily oriented to management and white-collar staff.

For example, a Statistics Canada report (*The Daily*, May 30, 1997) points out that the more education individuals received before entering the workforce, the more likely they were to take further education or training related to their jobs. In addition, workers' income was another strong predictor of access to further job training. The higher the income level of the worker, the greater the chance to participate in formal training. Another Statistics Canada study points out that the more technologies a plant uses, the more likely it is to offer additional educational opportunities and training to its workers: "Firms most likely to train are those performing research and development, those that are innovative, diversified, mature and foreign controlled and, especially, those that have achieved strong growth" (*The Daily*, December 15, 1996).

As well, the same reports indicate that relatively few Canadian firms provide any kind of formal job training, and that which is provided tends to be occupation specific. In particular, very little formal training occurs in small and medium-sized firms, and not surprisingly unskilled workers receive very little formal training.

It is not too difficult to explain these patterns of limited training investments by the private sector. Firms which provide formal training concentrate on their short-term and immediate needs because the payoffs from such investments are quickly apparent. Firms are often reluctant to provide generic training because other firms may simply hire away the trained workers, rather than do their own training. As well, to protect themselves, firms may have to raise wages to keep trainees, in which case they have incurred higher wage costs as well as higher training costs.

Statistics Canada also published a comprehensive report on Canadian training expenditures and needs, using a 1994 international survey entitled the *International Adult Literacy Survey* (see Kapsalis, 1998). The study compared Canada's training efforts to the experiences of six other countries — the United States, Switzerland, the Netherlands, Poland, Germany, and Sweden.

The most telling conclusion for this evaluation study was that Canada had the highest incidence of workers (33 percent) who wanted more training for career- or job-related reasons. That Statistics Canada publication also expanded on the description of how education, literacy, and the workplace all fit in together in a conceptual framework in Canada. That is, workers with better education and training have a better chance of securing higher paying and demanding jobs. The need for these workers to compete and use their skills requires them (and their firms) to access (provide) employer-supported training. The cycle is reinforced by the interaction of literacy skills used at work and at home.

The above-noted report also describes the findings of a supplementary survey attached to the monthly Labour Force Survey (The Adult Education and Training Survey). The survey found that 4 million Canadians took part in some form of job-related training in 1993. This represented about 20 percent of the population aged 17 and over. Thirty-one percent of Canadians employed full time accessed some training in 1993, and 25 percent of the full-time workers received support from their employers for job-related training (Kapsalis, 1998).

Finally, as will be seen in the re-examination of this topic in Section 6 (dealing with the international component of the evaluation), the literature is fairly clear on the fact that formal job training is more widely used in Continental Europe than in either Canada or the United States. For example, Margaret Hilton, writing in the *Monthly Labor Review*, March 1991, noted that German employers are more willing to invest in training their workers than their United States counterparts.

The article was critical of United States firms because of a relative unwillingness to see training as a competitive tool. This criticism holds in the Canadian context and is confirmed by our survey data: "Employers in what was formerly West Germany spend twice as much as US firms on worker training. The key to this investment is that German employers can pool the costs and benefits of training through strong industry and trade associations. US firms could benefit greatly from following the German approach." (p. 33).

Partly because of the existence of strong unions in Germany, firms band together to negotiate wages and benefits, including training. The article points out that at the local level, firms are required by law to join either a chamber of commerce or a chamber of artisans. As well, most firms belong to employer associations organized by industrial sectors.

This strong role of industry associations in training in Europe stands somewhat in contrast to their role in Canada. To date, Canadian industry associations play a relatively small part in the delivery of worker training.

What about the linkage between training, life-long learning, and employment standards? On this subject the literature is relatively sparse. A number of authors in *The Report of the Advisory Committee on the Changing Workplace* (otherwise called the *Collective Reflection* report, 1997) dealt with life-long learning and training. For example, Josée Goulet observed that 60 to 70 percent of employers provide formal and informal training activities, but access to training is not uniform: "The workers most likely to receive company training are those who already have a good education, hold a more important job, are between 25 and 44 years of age, and are full-time employees." (p. 134).

Lars Osberg expressed concern about the marginalized worker, who does not have access to training activities: "It makes financial sense for corporations to concentrate their internal training efforts on those employees whom they expect to retain for some years; hence they now make promises of job security to fewer of their workers....just in time workers cannot expect to receive training from their occasional employers" (Osberg, *Collective Reflection*, pp. 51, 65, 66).

The *Report of the Advisory Group on Working Time and The Distribution of Work* (1994), linked life-long learning issues directly to Part III of the Code through a number of recommendations (nos. 19, 20, and 21). The key recommendation of the Advisory Group was that a basic entitlement to unpaid education leave should also be entrenched in federal and provincial employment standards.

The Advisory Group also recommended the increased adoption of paid education and training leave plans through joint agreements with stakeholders. In addition, the Advisory Group recommended changes to the tax system to promote education leaves.

In closing, the literature was useful in terms of pointing out what Canadian firms do and don't do with regard to training and life-long learning. However, it was relatively sparse on the linkage between training and life-long learning and employment standards. While the European model is often pointed to as the direction for increasing training in Canada, the chances of Canada moving in this direction are limited because of our heavy commercial and trading links with the United States. ***Thus, as this literature review was completed and this research was continued, it became increasingly clear that much remained to be learned about life-long learning and the CWW.***

3.4 Impacts of the CWW on Worker Security/Insecurity

The labour-market changes discussed earlier in this report are associated with considerable insecurity among some employees and also among the growing group of dependent contractors (arrangements where the worker is apparently a self-employed contractor but in practice is like an employee in that he/she may only work with one firm — hence the dependent work relationship) and part-time employees. The literature suggests that the decline in secure, lifetime employment means that Canadians must find new, possibly other portable and flexible third-party means of guaranteeing access to ordinary employment benefits, such as security.[7]

Indeed, Recommendation 5 of the *Collective Reflection* report (1997) included some specific ideas on improving access and portability of privately provided social benefits. Some examples included developing a "smart card" for recording work-related benefits, establishing occupation funds, possibly on a joint employer/employee basis, to finance benefits and to examine sectoral models based on multi-employer benefit plans currently in existence. Once again, this is a direction that emerges out of the *Collective Reflection* report, which has a bearing on this evaluation.

That is, *Collective Reflection* emphasizes the possibility of expanding benefits in the direction of non-standard workers and the possibility of sectoral arrangements as a practical way for overcoming competitive arguments at the firm level for expanding benefits.

---

[7] For example, Andrew Sims observes in his chapter of *Collective Reflection* that worker organizations could deliver such benefits on a sector-wide basis: "The most appropriate structure is an organization of employees, probably sector or skill type based, that extends beyond the ambit of present day trade union activity. ...However, there is a clear public policy interest in supporting this type of approach. If the needs are indeed enduring, and employers are retiring from the field, then there will be pressures on government to fill the void. Many of these needs could be more flexibly met on a sectoral basis." (p. 191).

Unfortunately, the literature tended to be vague on the issue of improving security for those in all of these types of non-standard working arrangements. Once again, turning to *Collective Reflection*, Serge Brault argues that the government must help self-employed workers organize either into industry-wide bargaining groups or into some other kind of model. He also suggests that sectoral councils or joint bodies be created which would be responsible for ensuring minimum standards within an industry or within a geographic area. In this case, government standards would only apply by default when the interested parties were unable to agree on a set of minimum standards.

In 1994, Mark Thompson undertook a review of employment-standards legislation in British Columbia (Thompson, 1994). Much of his report dealt with the emerging trend to non-standard work and at-home work. The following set of his recommendations tie into some of the issues relevant to this evaluation.

Thompson recommends that:

- dependent contractors, as the term is used in the *Labour Relations Code*, be included in the definition of "employee" in the (British Columbia) Act;
- the definition of "employee" under the Act explicitly include part-time employees;· the definition of "work" under the Act clearly include at-home work;
- employees be considered to be at work when they are on call and in a location designated by the employer; and
- employers be required to file reports to Labour Standards Branch on their at-home workers.

To summarize the literature view of security, there appears to be no simple across-the-board remedy evident for relieving worker insecurity that can be applied across all of the different NSW arrangements. The literature does suggest, however, some ideas for regularizing the circumstances of at-home workers and providing them with a clearer set of minimum labour standards protections.

The sectoral arrangements/bargaining approach is also found to be appealing in terms of dealing with two aspects of the insecurity issue — standardizing the treatment for those employed in NSW arrangements and the provision and financing of job training. However, the sectoral approach is found to be less easy to introduce in Canada than in Europe because employers see it as a lever supporting unionization. Nonetheless, the literature suggests that facilitation of sector-based efforts could be a key new role for labour standards.

3.5 Balancing Work and Family Responsibilities

Social Change: Family life has changed very dramatically in Canada in the post-war years, and so of course has the labour market. There has been a steady rise in the labour-force participation of women in Canada (at least until the early 1990s) (*Work Arrangements*, Statistics Canada, 1993). Increased female labour participation has also led to the dominance of the two-wage-earner family. As well, the number of single-headed (mostly female) families has risen.

Largely as a result of women's increasing work on the job and at home the issue of fit between work and family has intensified as a policy concern. The aging of the population is also creating additional pressures on younger people in the workforce to meet family responsibilities, as many Canadians must now care for elderly parents. Consequently, there is a growing need/demand for parental or family-related leaves to assist in balancing off work and multigenerational-family responsibilities.

Hours of Work As a Key Issue: The above demographic pressures have to be considered in the context of other changes in the labour market that we have already identified — the rapid growth in at-home work, non-standard work, and part-time work. An additional complicating factor is the fact that the average working hours for full-time employees in Canada continue to increase (*Report of the Advisory Group on Working Time*, Section 2, Hours of Work). Working hours for men are on balance much longer than for women. As well, the average hours worked by women is also rising, though their work-time distributions are quite different from those of their male counterparts.

How does the current assessment of Part III of the Code fit in? Since the Code and its provincial employment-standards counterparts regulate hours of work and overtime arrangements (including part-time workers), the potential linkage to family-friendly policies is very direct.

The report of the Advisory Committee on the Changing Workplace, more commonly known as the *Collective Reflection* report, offered a number of recommendations which dealt with the issue of balancing work and family responsibilities. Overall, the report pointed the way towards a variety of family-friendly policy directions.

The report's first recommendation noted that labour standards policies and other labour-market policies do not have to be the same for all sectors. But labour standards should deliver the same set of basic rights to all workers — including those in contingent and precarious employment. Further, the third recommendation of the report suggested the removal of tax incentives and other incentives which stimulate high overtime hours and encourage the growth of NSW, compared to full-time jobs.

The *Federal Advisory Group on Working Time* was more direct in tackling the hours-of-work issue. The Advisory Group recommended that the legislated standard workweek should be *no longer than* 40 hours in any jurisdiction in Canada and that the legislated standard should be reviewed periodically to bring it in line with normal practices.

The Advisory Group also recommended that employees should have the right to refuse overtime after the new 40-hour standard and that employees should be encouraged to take time off in lieu of overtime. Finally, the Advisory Group recommended that a new maximum of paid overtime in excess of regular working hours be set at 100 hours annually. Overtime in excess of the 100 hours, the Advisory Group recommended, would only be compensated with time off in lieu of overtime.[8]

One study illustrating these impacts empirically was the 1997 United States Study of the *Changing Workforce* (see their web site). This study indicated that the quality of workers' jobs and the supportiveness of their workplaces are the most powerful predictors of productivity, as reflected in job satisfaction, commitment to their employers, and retention. In turn, a high-quality workplace was found to be an important ingredient in a healthy family situation. These findings are confirmed in the current assessment's stakeholder interviews and also show up elsewhere in this literature review (see Betcherman et al.). These findings should also be considered in the context of this report's survey data describing the Canadian situation.

3.6 Closing Comments on the Literature and the CWW

With respect to NSW, there seems to be agreement in the literature that the public-policy framework governing the self-employed should provide them with the same benefits as those usually accorded to full-time workers.

Finally, as discussed in the *Advisory Group On Working Time Report* (pp. 18-22, 1994), Statistics Canada data strongly confirm that there has been an expansion of long hours of work and a considerable amount of unpaid overtime. Both of these findings are associated with increased stress and insecurity within the employment relationship and, some studies have suggested, negative impacts on family life.

In closing, the literature suggests that the interest of the employer and employee should converge on the issue of family-friendly policies. Positively improving the quality of the workforce is instrumental to improving the quality of family life, research suggests, and, in return, the productivity of businesses. ***These observations suggest that family-friendly policies would be of benefit to Canada and thus a useful area for advancing labour standards.***

The literature broadly indicates that the CWW has profound impacts on such phenomena as the quality of work and productivity, life-long learning, worker security, and family life. Successive sections will examine how these issues are seen by key stakeholders (Section 4), and how the CWW affects employers and workers surveyed within the federal jurisdiction (Section 5).

---

[8] The 100 hours coverage was to be for all employees, including salaried employees.

Stakeholder Views: Selected Quotes

The following quotations excerpted primarily from our interview notes help set the stage for the stakeholders' assessment of the challenges. The quotations are intended to illustrate some of the themes and tensions which seem to have been revealed in this evaluation.

> *It must be emphasized that there are huge obstacles to making standards effective and that these also have to be addressed as a major priority...Most provinces do not even take elementary steps to require employers to post standards in workplaces or to inform workers of their rights ...."*
> *(Alexandra Dagg, union representative, Collective Reflection, p. 106)*
>
> *"Government legislation and regulations do not value the role of labour in society and the economy. Government is missing out on a valuable resource by excluding unions from the process of decision making"*
> *(A Canadian union official)*
>
> *"In Europe, we look at the labour market differently than in the United States and Canada. Our view of partnering relates to negotiated agreements arrived at among the various social partners — unions, employer groups, others."*
> *(A European labour standards official)*
>
> *"We prefer labour standards to be guidelines rather than regulations. ...With respect to hours of work of home workers, monitoring is a matter of trust. Job security provisions cannot be built into labour standards, for it (job security) is a business issue dominated by competitiveness pressures."*
> *(A Canadian bank HR official)*
>
> *"Any revamping of the Code should reflect real needs — and should not be done to enhance the process of unionization."*
> *(A business association official)*
>
> *"Telecommuting is expected to create more disputes over whether a person is an employee or an independent contractor. As well, telecommuting will cause record keeping problems."*
> *(A provincial labour standards official)*
>
> *"Our emphasis is on business friendly, job creation policies. Enforcement has not been discarded, but we are looking for voluntary compliance. Prosecution and fines will focus on repeat offenders. First time violators (firms) are provided with an information/education package."*
> *(A New York State official)*

4. Stakeholder Views of CWW/NSW (Non-Standard Work)

4.1 Approaches to Stakeholder Assessments

Approximately 55 interviews were completed with stakeholders and professionals associated with labour-market policies and labour standards. The purpose of the interviews was to provide the evaluation with qualitative information complementing the literature review and adding to understanding over and above the information that was collected through surveys and other study activities.[9]

The Canadian stakeholders selected for interviews ranged across the federal/provincial labour-market scene, including HRDC managers, provincial/territorial labour standards officials, other labour standards experts, employers, union representatives, and representatives of First Nations. A number of public officials associated with labour standards in the United States, Western Europe, and Australia were also interviewed for their views on the evolution of standards in their own jurisdictions.

Interviews by telephone or in person were conducted with nine provincial/territorial members of the Labour Standards Committee of the Canadian Association of Administrators of Labour Legislation (CAALL), nine representatives of Canadian trade unions; nine public officials responsible for labour standards in the United States, Europe and Australia; eight officers of First Nations Bands, Councils and Aboriginal businesses; seven officials of federal-government departments and agencies (regarding methods of obtaining compliance with regulations); three members of the Labour Standards Client Consultation Committee, plus three additional representatives of federally regulated businesses; and six Labour Affairs Officers (LAOs) and Technical Advisors (TAs) in various regions of Canada.

This section focuses on the results of interviews with employer and union representatives, with some information from interviews with government officials. Most other interview results are reported in Sections 6-9. International results are reported mainly in Section 6.[10]

The focus of the stakeholder interviews was on labour standards and how they could work in light of the changes occurring in the CWW. Added emphasis was placed on the key study issues — quality of the workplace, life-long learning, security and harassment, and balancing work and family responsibilities.

---

[9] Most of the interviews were conducted by telephone and concentrated on a common set of policy issues. The public officials interviewed were asked to respond in their capacity as professionals, as well as in terms of representing their own organizations. Specific respondents, whether unions or employers, tended to reflect their own particular industry concerns relating to NSW, and there was considerable discussion of the construction sector, garment workers, and home worker/dependent contractors.

[10] The stakeholder interviews were important, not only because they highlighted important developments in their own jurisdictions, but also because the stakeholders were considered as experts who could identify, or suggest, alternative were considered measures not necessarily utilized in their own jurisdictions.

Overview: An important theme which resonates from the interviews is the recognition that the context in which labour standards operate has changed dramatically in a very few recent years and that labour standards have fallen far behind changes in the labour market.

For example, many representatives of Canadian unions whom we interviewed felt they were excluded from influencing much of what is happening today. This concern is reflected both in the changing workplace (which they feel has cut into not only their traditional employee/union support base but also their access to sympathetic governments). However, it should be underscored that unions are generally in favour of labour standards legislation and enforcement.[11]

Section 5 will deal more directly with the views and suggestions of employers and employees, with some cross-references to the views of other groups. Once again, it is useful to juxtapose some of the major conclusions from the stakeholder summaries with the information gleaned from the survey material, as will be illustrated in the next section.

4.2 Non-Standard Work and Labour Standards

There was a consensus among virtually all of those interviewed that the expansion of non-standard work was the paramount challenge for labour standards effectiveness and enforcement.[11]

While recognizing the importance of maintaining some minimum standards, private-sector stakeholders generally favoured hands-off/minimal regulation and interference. In contrast, representatives of organized labour favoured heavier government involvement in regulating the CWW. Government officials were very preoccupied with the question of how to make labour standards more relevant to the CWW and how to do so in a way that is not detrimental to competitiveness or job creation.

Unions felt that the CWW, together with NSW, was a threat to the broad progress that unions have achieved in the past. Unions see the separation of the real employer from the people doing the work as a monumental change in the world of work and a key challenge to their effectiveness and for labour standards. That is, unions in general felt more comfortable when the interface between management and labour was more direct — rather than through the somewhat less direct interface which now occurs because of the separation of head offices from branch operations and the greater distance between the CEO (who makes ultimate decisions) and the plant worker.

---

[11] Not surprisingly, the different groups viewed the issues somewhat differently — mainly in terms of their own interests (generalizations do not always hold, but they have to be relied on to some extent in this assessment). The reader of this report will note that these differences are also reflected in the literature and in the survey data in Section 5.

One union official described the CWW and NSW as separating the employer from the employee and therefore resulting in decreased power of employees. Union representatives were also concerned that the disappearance of traditional (permanent full-time) work and the trend towards contracting out have been stripping away workers' past gains in pay, benefits, and working conditions.

Union officials who were interviewed were critical of governments, which they believe have helped to encourage this perceived adverse direction by allowing labour standards to become disconnected from these workplace changes. At-home working and contracting out in the garment trade (generally in the provincial sector) are generally seen as an example where labour standards have fallen behind, in terms both of working conditions and of such issues as the employment of child labour and workplace health and safety concerns. Unions also blame themselves for not paying enough attention to the importance of labour standards as a social-policy tool.

CAALL committee members were not quite as fearful of the current direction as other stakeholders, though there were a number of frank concerns expressed about the difficulty of eliciting co-operation and compliance with standards because of government cutbacks and changes in government priorities. There was general recognition that enforcement, education, and compliance are far more difficult in the 1990s than they were in the 1970s and 1980s. A number of provincial respondents indicated that their governments were reviewing regulations in light of the changes going on.

There was also a consensus among CAALL officials that the effectiveness of labour standards has been eroded by the CWW and the rapid growth of NSW. Nevertheless, the practical need for labour standards remained intact in their view. That is, the erosion of effectiveness was not seen as reducing the need for minimum standards to protect the workers falling behind. CAALL officials were virtually all in favour of looking for alternative levers to improve effectiveness, including a heavy interest in improving the flow of labour standards information to employers and employees.

4.3 Improving Life-Long Learning

There was general agreement among labour and management stakeholders with respect to the importance of life-long learning (i.e., training and education). However, in practice it has proven very difficult to interest employers in the general objective of life-long learning and training.

Funding and incentives are universally seen to be problems, and government moneys are generally seen to be the solution. There was mixed support for entrenching life-long learning in labour standards legislation.

The union position is very much tied to benefits for their members in general. Union stakeholders place a great emphasis upon the need for public and private investment in employee training. The core of this union position was articulated throughout our interviews. The basic belief is that the good jobs of the future will require high levels of formal-education qualifications and/or vocational training. As one union official expressed the view — without constant training, non-skilled, routine jobs in the trade sector of the economy will be lost to foreign competition, automated out of existence, or will pay very low wages.

Unions see a kind of supply-side justification for public and private investment in training and upgrading of the workforce. They also see this as generating stronger economic growth and higher wages and salaries over time. For example, most experts see the need for public-sector investment in training because of the tendency of most firms to underinvest in training. (See OECD, *The Future of Work: Towards Jobless Employment*, November 12, 1995). It follows that even in an internationally competitive global market, those countries which best develop their human resources will be in a preferred position for attracting the good jobs created by highly mobile transnational companies. ***Thus, labour standards are seen as having the potential in this area to support international competitiveness.***

Representatives of the employers interviewed also accepted the competitiveness case for a highly trained and literate workforce. However, differences which emerge with the union position can be traced to the following:

- *The amount of private-sector funds allocated to training:* Some (but not all) of the interviewed firms acknowledged that although more could be done to upgrade their workforce, financial constraints limited training initiatives.

- *The direction of the training dollars:* Firms feel that their allocation (which is highly geared to white collar/managerial/professional) is appropriate. As well they see this issue as a private-sector decision.

- *The financing of training:* Although not necessarily asking for employees to retool themselves, they believe that individuals and the public sector should be responsible to manage any perceived shortcomings in the system.

- *Role of high technology:* There seems to be a high-technology success story which almost stands on its own. In the informatics sector, the shortage of trained employees means that these firms are having to invest in their employees not only to keep them but also to ensure that their services and products remain competitive. Investment in training is also a competitive way of attracting new employees.

In sum, employer representatives shared union assessments of the importance of training but were hesitant about the best ways to achieve these goals. These findings pointed towards a need for a more detailed examination of worker attitudes, as are examined (along with views of employers) in Section 5.

4.4 Minimum Protections for Non-Standard Workers

Generally, management representatives interviewed were not keen on extending the reach of labour standards in new directions, such as protecting non-standard workers. Large firms which had sophisticated human-resource policies and managers were more understanding of the role of the Code in providing minimum standards in the regular workplace but were worried about the possible extension of the Code in a biased way into the at-home-work area. A number of the larger financial firms indicated that most at-home-work situations were voluntary and that the companies were simply accommodating their employees.

In terms of the issue of how the Code impedes adapting to CWW and NSW, for example, one bank official observed that the bank was having difficulty in coping with employees' requests for compressed and/or modified workweeks while meeting the daily overtime requirements of the Code. The bank felt that it required more flexibility to meet employee requests and that labour standards should accommodate working arrangements mutually agreed on between employers and employees.

Once again, there seems to be a high-technology story which is somewhat different. For high-technology firms, the issue of labour standards is almost a non-issue. One firm observed that telecommuting is the wave of the future, and the company sees the telecommuting program as the key to worker satisfaction and to attracting talent when talent is scarce.

Union representatives interviewed offered a number of interesting suggestions on this subject. They noted, for example, that labour standards legislation should guarantee prorated benefits, not penalize part-time workers. This is consistent with an European Union Directive that stipulates that part-time workers cannot be treated less favourably than full-time workers.

Who is an employee and who is a genuine independent contractor? Some employers are trying to get around legislated standards by classifying all of their subcontractors (who are employees in real terms) as independent contractors. One union interviewee suggested that a *dependent* contractor (employee) who works for a single employer should be redefined and covered for basic protection under employment standards as a "vulnerable contractor."

In essence, it was argued that this dependent contractor would/should be provided with the same set of rights as a regular employee. Nevertheless, Revenue Canada might still consider these individuals as self-employed.[12] On the subject of worker definition, one provincial official felt strongly that departments and agencies of all jurisdictions with an interest and influence in this area — provincial, federal, etc. — should come together to agree on standard and consistent definitions and concepts.[13]

---

[12] In this context of the trend to independent contracting, in the *construction* industry (which has always been considered as having a heavy *non-standard work* sector) some prime contractors are hiring their tradespeople as independent contractors, instead of employees, for the duration of their project phase.

[13] Other cross-jurisdictional issues can be seen in the intersection of labour standards and occupational safety and health. In the case of trucking, some combination of monitoring of working hours combined with safety inspections and licensing, emerged as a possible enforcement strategy. A linkup between Parts II and III of the Code was seen here, with one suggested solution being the inclusion in Part II standards of the right to refuse hazardous work when required to work for longer-than-standard driving hours. See Section 8 for further discussion.

In closing this section, it should be underscored once more that the views of government officials interviewed emphasized that the issues of dependent contractors and part-time workers should be addressed in any future changes to the Code. Government officials also were concerned about the difficulties with widening the application of the Code to non-standard workers.[14] While unions in general were in favour of widening the Code in this direction, management stakeholders were generally unwilling to see an expansion of the Code to non-standard workers. In this regard, as will be seen in Section 5, the views on NSW by employers and employees from the survey will also prove helpful, particularly in illustrating the diversity of the management position.

4.5 Eliminating Harassment in the Workplace

Most stakeholders (whether employer, labour, government, domestic, or international) seemed to regard harassment (sexual or otherwise) as being addressed (and apparently better addressed) by legislation *outside* labour standards regulations — e.g., through human rights or OSH legislation or (in Britain under the definition of "bullying" and in Saskatchewan if the matter is hard to prove) in the courts as a civil action for damages. Even the European Union appears unable to reach any consensus on how to address sexual harassment in the workplace, and the matter is currently left to the discretion of member states.

Yukon and Saskatchewan officials reported that they have reduced employer-instigated harassment (designed to force an employee to quit and thus avoid the regulatory complexities of dismissal) by instituting a "constructive dismissal" arrangement for payment in lieu of notice. In a related vein, Nova Scotia is working on amendments to its OSH legislation to cover workplace violence and threats of violence.

Additionally, one large employer (a major bank) saw a need for "the respectful workplace" and developed a half-day "Respect in the Workplace" program for all its employees/managers.[15] Another large employer expressed concerns about harassment but once again emphasized the existing protections which fall under human rights legislation.

There was general recognition among large employers that sexual/racial/ethnic harassment problems might be minimized by better training of managers. Most firms indicated an awareness that sexual/racial/ethnic harassment problems might be minimized by better training of managers.

To the degree that there was a separation in terms of attitudes to harassment between business and labour, one can roughly draw out the following: Sexual harassment was unacceptable to all. Moreover, the problem, when it exists, might not simply be viewed as a management/worker problem. So unions and management were roughly in tune on this issue.

---

[14] However, a human-resource manager at one of the major banks reported that her organization treats part-time, telecommuting, and job-sharing employees exactly the same as full-time employees — but *not temporary or seasonal workers*.

[15] Some might view this as commendable, but rather light, treatment for such a potentially traumatic (not to mention expensive) issue as harassment — not being a substitute for enforceable legislated protection for workers

The issue of workplace harassment and stress related to the workplace elicited somewhat different responses. To some extent management viewed the stresses of the workplace as normal and not confined to employees only. The hours-of-work issue and to some extent the flexibility and leave situations cause stress to both managers and employers. However, many managers came up the ladder of working extremely long hours; in other words, it has become the norm for a manager to accept long hours as a reasonable entry fee to pay for promotion and higher pay.

Some union representatives saw this as a "culture of work" issue. The new culture of work endorses long hours, regularized overtime, and they know that their own members are often feeling so insecure that they will likely not refuse overtime work when it is offered. Union representatives worry that the new culture of work (which they associate with the CWW) places too much stress on their members. Stress shows up in poorer health and poorer family relationships. It was felt that women seem to find the hours-related stress problems even more severe than men. The increase in female labour-force participation, together with the aging of the population and the increase in single-parent families, has resulted in significantly heavier stress in recent years.

Overall, these results were most interesting in highlighting the importance of training as a partial remedy to combat harassment, and thus a potential strategy for the Part III program.

4.6 Improving the Quality of Family Life

Union representatives expressed considerable concern with improving the way in which family life and work are harmonized. Unions are strongly in favour of entrenching in the Code improvements with respect to hours of work and family-related leaves. Unions, it appears, worry about the impact on family life of extended, long-hour shifts and 24-hour operations. They feel that governments should educate employers to see the social costs of some of their practices.

Employers desire more flexibility in the enforcement of labour standards and see this as the direction to move in. Employers see flexible schedules as adapting to family needs but generally want to control the type of flexibility obtained. Several employers suggested that the lower pay and benefits awarded to part-time workers will change over time as the economy becomes even stronger and overall unemployment falls. In other words, it was felt that the self-corrective mechanism to this problem is already under way. Employees, in contrast, emphasize the need for additional voluntary choice in terms of hours of work.

The case of the small-business employer was made very strongly in some of the interviews. That is, many small businesses are *family* concerns, and the longer working hours worked by family members may be voluntary.[16]

4.7 At-Home Work and Labour Standards

Some stakeholders felt that labour standards officials in the provincial sectors had more experience dealing with the at-home-work issue than their federal counterparts. As well, it was felt that the provincial/territorial experience might provide important insights to the federal government in its own jurisdiction.

The union perspective is that labour standards support for at-home workers today is minimal, since it is so difficult to separate the work from the family environment. Workplaces in homes are not always conducive to health and safety goals, and there is also the isolation factor which may not be healthy.

One large bank which encourages and/or accommodates at-home-work arrangements has developed a set of safety/security checks, including smoke detectors and fire alarms for their employees working at home. The bank has also developed a method for documenting working time, though time monitoring is judged more on the basis of results than spot checks. In other words, it is recognized that working time is more difficult to monitor away from the work site, which is why there is the emphasis on output and results.

Companies also worry about the impact on productivity of the shift towards at-home work and away from the main office. Some of the company stakeholders see at-home work "as critical to making employees happy, to saving increasingly scarce office space, and to attracting new, highly qualified professionals." An article in the *Globe and Mail* ("Nortel Leaves Employees at Home," May 27, 1998, p. B27), for example, indicated that Nortel, which carried out its own survey of employees working at home, found that on average their at-home employees said that they were about 26 percent more productive than before, while their managers indicated that their at-home workers (in telecommunications work) were about 16 percent more productive.

The Canadian, United States, and European government officials who were interviewed commented on the jurisdictional confusions in labour standards created by at-home workers and teleworkers. For example, a Manitoba-based firm wants to develop a telephone call centre for a New York-based head office company. If the Manitoba employee has a grievance on a labour standards issue, where is a claim filed? Where is the proper jurisdiction when the actual employer is located in the United States?

Some government officials also commented on the inability to monitor minimum standards for at-home workers. There was a general sense that labour standards objectives were probably being realized better by larger employers who rely on at-home workers, than by smaller firms. The issue of exploitation was raised, often in the context of new immigrants and particularly in relation to the garment trade.

---

[16] On the other hand, a concern was expressed that this kind of work may also lead to instances of child labour

Several suggestions arose among some government officials, including better monitoring of the total number of workers involved in at-home work and identifying the benefits paid to these workers. It was generally felt by the officials interviewed that the reporting on the characteristics of at-home workers was insufficient for public-policy purposes.

4.8 Dependent Contractors and Labour Standards

Union representatives mentioned that the tendering and retendering of contracts result in employment insecurity (e.g., janitorial services) and has created many dependent-contractor situations. Unions are definitely in favour of using the standards approach (or any other measures which would work) to provide some minimum protection for dependent contractors. Indeed, this theme, first raised in the literature review, arises throughout this report.

Unions desire to establish relevant subsector councils or groupings, for example, under employment-standards legislation. Their idea is that within a sector arrangement a core bundle of minimum standards could be provided. They see weaving dependent contractors in under this kind of mechanism.

Employers resist this direction because they believe that it could spur increased unionization (or some equivalent) and consequently a loss of competitiveness and flexibility in their operations. Employers believe that broadly based policies are needed to encourage vigorous firms in the private sector. That is, they feel public policy should remove regulations and practices that impede entrepreneurship and competitiveness. They see the dependent contractor as the "entrepreneur in waiting." They also acknowledge a cost saving in terms of this new direction. Consequently, they are not keen to see labour standards move in the direction of expanding minimum standards for dependent contractors.

Most government officials interviewed were sympathetic to the need to provide new protections for dependent contractors. The issue of how to do this in a practical way continually surfaced. Several options were raised, but the key concept which surfaced often was the notion that a dependent contractor should have the same minimum rights as a regular employee. On the practical side, some jurisdictions mentioned the difficulty in deriving from the firms an accurate picture on the number of dependent contractors. Several CAALL officials observed that there was considerable abuse of workers' rights in the CWW.

Definition itself appeared to be a key part of the problem: there was a general sense that an employee was defined rather adequately in most jurisdictions, but the same did not hold for the dependent contractor. In New York State, for example, the law does not define a dependent contractor; however, court decisions have held that the common-law tests of master and servant are to be applied in determining whether services rendered by an individual are in the capacity of an employee or an independent contractor.

4.9 Role of Unions in Compliance with Labour Standards

It is widely accepted that unions play an important role in enforcing labour standards. But it also stands to reason that their role in labour markets is influenced by the size of their membership. Structural shifts in industrial employment partly explain the decline in unionization which seems to be occurring in the private sector. Unions are trying to organize in non-traditional areas — however, with varying degrees of success. Unions see their membership coverage as the key and obviously desire to expand their focus to expand their membership in the CWW.[17]

Unions see sectoral bargaining as the wave of the future for dealing with some of the issues embedded in the CWW. Unionized employers fear unfair competition from non-union firms, and thus unions are trying to sell unionized firms on the idea of establishing a minimum-standards "floor" for each sector. This stance could be useful for reforms of labour standards. In particular, if unions' strategies are affected by the CWW, does this mean that compliance and enforcement of labour standards will or should change to correspond?

Employers tend to see the world of work quite differently than the unions, which also affects their views on the interface of unionization and labour standards. This theme resonated from the interviews and is also a key aspect of the literature review. Employers are gripped by the structural trends associated with heightened competition — globalization, technological change and organizational change. These firms see themselves as caught up with these trends (i.e., CWW) and view unions as impediments to flexible competition.

While acknowledging that unions help to maintain labour standards, larger employers observe that meeting labour standards is not an issue in their workplaces. Their actual practices usually exceed the minimum which exist (i.e., vacations, minimum wages, etc.). ***Thus, the role of unions in labour standards may be in flux, at a time when new objectives and strategies may be developed for the Part III program.***

4.10 Alternative Mechanisms for Achieving Part III Objectives

The general assessment of virtually all of the stakeholders contacted was that employment standards were extremely important for maintaining minimum standards. Differences emerged, however, where employers expressed the need for flexibility to devise their own methods of meeting the minimum standards — and many of the government officials interviewed wished to see that kind of flexibility. Labour unions tended to emphasize the importance of relying on standards and enforcement, rather than voluntarism or new methods.

---

[17] As well, unions are changing their focus slightly, towards reinforcing relationships with local community and church groups to pressure employers to deal fairly with their workers. Also, unions are trying to influence consumer buying practices in order to establish higher standards in the workplace (e.g., the union label, consumer pressure on employers to pay decent pay and benefits).

Employers, stressing the need for flexibility, were more willing to consider other vehicles aside from labour standards — e.g., human rights tribunals, tax incentives, etc. Thus, the corporate sector seeks much more emphasis on voluntarism and prefers that the labour standards become guidelines, rather than regulations. In the same vein, the corporate sector desires that the legislation and regulations be as simple as possible and clearly transparent.

One interesting idea proposed by a bank official outlined a need for a true partnership approach among government, business, and workers to develop and adapt *best practices as guidelines* for corporate behaviour, rather than regulations alone. The same official observed that the Labour Program might want to consider the introduction of alternative dispute-resolution (ADR) methods to deal with complaints such as unjust dismissals.[18]

Consistent with the priority placed on encouraging alternatives to classic "enforcement," there was a tendency among the CAALL officials interviewed to stress the priority of education and communications over enforcement. This direction was seen to be more cost-efficient and more efficient for achieving the objectives of labour standards. Other innovations were also suggested.[19] (See Appendix C.3.)

In sum, both unions and employers have labour standards-related concerns that extend beyond labour standards, which affect their approach to labour standards greatly. In effect, unions desire to see the scope of labour standards change and catch up with the CWW. But they do not see labour standards as the complete answer to this problem. In their view, there are positive features of labour standards regulation with respect to accommodating technological change and globalization.

They see the problem facing workers as many-sided — an unemployment-rate problem, an income-security problem, and more generally reflecting a lack of worker power in the workplace. The adoption of a union-friendly approach to work arrangements relies heavily on a supportive public-policy context. Consequently, unions tend to emphasize broader policies — full employment, strong social programs, and of course wage determination though collective bargaining. They seem unready to consider alternative mechanisms and want the expansion of labour standards to cover non-standard workers.

Employers tended to stress the level-playing-field argument on a global basis. They point out that Canada's most important competitors reside in the United States, not Europe, and in the United States labour standards are not being reviewed from the perspective of decreasing company flexibility. These firms reject the European model, with its emphasis on employment security, and its limited ability to lay off workers.

---

[18] The Ontario HRDC office already encourages the ADR process for complaints resolution.

[19] For example, one government official suggested that officials should rely more on the Internet as a means of getting the message out quickly. Indeed, Alberta has an electronic version of its provincial Code which is available on screen, but only in Labour Department offices. The province plans to put it on the Internet within a year. Of course, the key issue is how many employees (or employers for that matter) have access to the Net and/or would find this an improvement over the status quo

4.11 Concluding Comments on Stakeholder Views

There is a clear consensus among the government officials interviewed that most employer violations spring from lack of awareness, rather than deliberate flouting of labour standards. This explains why there is such a heavy provincial emphasis on information and education to ensure compliance with standards legislation.

There is also a clear suggestion that employees (including unionized workers) are often quite unaware of their rights under the Code — and apparently some (notably in areas of high unemployment) even enter into impermissible agreements (regarding non-payment of overtime, etc.) with employers in order to retain their jobs or to retain workplace harmony. Reflecting these concerns, many jurisdictions have identified vulnerable employees through risk assessment techniques and have devised new forms of communicating with vulnerable employees.

Employers continue to view labour standards as more of a burden than a benefit in an environment requiring adapting flexibility to the CWW and competitive pressures.[20] At the same time, the current environment has made organized labour very insecure in terms of not being able to deliver to their traditional constituency significant wage and benefit gains or arrest the trend towards contracting out and downsizing of jobs. Consequently, unions' interest in protecting the concept of labour standards is even higher today than in the past, while exact approaches may be unclear because of the rapid rate of change in the CWW. At the same time, certain common concerns can be found among employer and union stakeholders (as will be illustrated in our survey results in the next section). ***These findings suggest good potential value in synthesizing employer and worker/union views to identify areas which could be developed jointly by employers and workers/unions.***

---

[20] This points to the desirability of Labour Program information efforts to more effectively communicate the benefits of labour standards to employers (Evaluation of Labour Standards: Phase I, 1997).

Quotes from the Surveys

Workers

"The costs of educational courses are always going up and it creates a hardship to pay for them. Government should give better tax advantages for taking courses or increase funding levels for post-secondary education."
(Federal Crown Corporation employee)

"It's a struggle to find time (leisure) for spouse and children, especially since spouse's and my work schedules often don't mesh."
(Person with full-time job and a self-employment second job)

"Government should promote more education allowance and on-the-job training programs at the regional/community levels."
(Full-time, natural resources employee)

"Time demands of job sometimes makes it difficult to enjoy family and personal life."
(Full-time employee who works an average of 65 hours per week)

Employers

"We have linked performance and learning processes for employees to help them participate in education and training."
(Human-resource manager in large trucking company)

"More training/funding is required to assist companies hiring inexperienced/newly licensed drivers. Companies are unable to provide training to this type of employee due to low profit margin."
(Human-resource manager in large trucking company)

"There will always be a conflict between work and family needs. Providing maximum flexibility in work hours, etc. is our solution to reducing this conflict."
(Human-resource manager of a large trucking company)

"We have initiated Human Resources Committee made up of employees that review pending or proposed company policy's including those affecting training and schedules. Membership in committee is all employees, no management. Also have Salary Administration Program driven by 'Balanced Scorecard' performance management."
(Human-resource manager of a large trucking company)

"We have expanded enrolment of company profit sharing plan to include (contract workers) and issued free company stock to all employees."
(Human-resource manager of a large transportation company)

"We have an annual employee opinion survey (addressing topics such as training needs, work schedules and families), conducted bi-annually, with action plans to be developed as a result of this feedback."
(Human-resource manager of a communications company)

5. *Employer and Worker Impacts in the CWW*

5.1 Introduction and Background

This section of the report uses worker and employer survey results on CWW issues to answer a number of key questions which are central to this evaluation. For example, this section examines questions such as What are the changing patterns of CWW and NSW in Canada generally? What are the impacts on quality of work life? What are the impacts on such societal concerns as life-long learning, worker security, workplace harassment, and quality of family life? The section also considers potential implications of the answers to these questions for labour standards.

Other issues examined include the nature of the employment relationship and the CWW. Particular attention is given to identifying trends in the CWW in the federal sector (examining whether there is a trend towards increasing contract work, non-standard work, etc.) and the implications for labour standards. These questions are continuous and have been examined already in our sections on stakeholder views and international perspectives on CWW and labour standards.

Analysis of the survey data relies on tables and correlational analyses (regressions are applied selectively) identifying particular areas where the CWW is identified as harming or limiting the achievement of Canadian goals regarding such matters as life-long learning and quality family life. Survey results are also used to compare federally and provincially regulated sectors and in some cases to note differences among federally regulated sectors.

5.2 Concepts and Method

Two surveys are reported on — a survey of employers in the federally and provincially regulated sectors and a parallel survey of workers. The surveys examine several operational definitions of the CWW and NSW (*contract work and temporary work*, work within *unusual schedules* — e.g., night work, weekends, travelling work — and related factors), *home work*, and other factors.

The surveys directly examine such dynamics as how conditions of work affect *quality of the work and work environment, life-long learning*, harassment in the workplace, (job) security of workers, *and* the *quality of family and personal life*. These questions are, for the most part, examined from the perspective of those most directly affected — workers themselves — although some comparisons are drawn with employer assessments.

Method: The surveys were conducted using mail-out questionnaires for four random samples: two *federally regulated sector samples* of (1) 600 employers in the federally regulated sector and (2) 600 workers in the federally regulated sector and two comparison *provincially regulated sector samples* of (3) 200 provincially regulated employers and (4)

200 workers in provincially regulated sectors (see Appendix C, Section C.2 for additional details). Response rates were 74 percent for federal-sector employers, 67 percent for provincial-sector employers; 78 percent for federal-sector workers and 72 percent for provincial-sector workers. The resulting samples were 444 federal-sector employers, 134 provincial-sector employers, and 468 federal-sector workers and 144 provincial-sector workers.

Federal/Provincial Comparisons: While the survey is exploratory, it offers a first look at these types of issues in the federally regulated sector and selected comparisons to the provincial/territorial jurisdictions which have not been available previously. These results reflect the reality of these two sectors, which share for the most part a fluid labour market where generally similar conventions and practices, wages, and such apply for similar work. Throughout the report, for simplicity we will refer to the provincial/territorial sector as the provincial sector (noting that there are at the time of this evaluation research — 12 provincial/territorial jurisdictions, with somewhat different labour standards).

Statistics are included in statistical tables (see Appendix B), which provide an overview of response patterns for key CWW questions. Within the body of the report (this Section 5 particularly), selected statistics are presented for each topic as appropriate, usually in the text. These presentations usually indicate the percentage of workers or employers who indicated a particular response to the given survey questions. These results are weighted to be indicative of the populations of federal-sector and provincial/territorial-sector employers and workers (see Appendix C.2 for additional information).

Results for the federal sector are highly reliable, with all statistics accurate at +5 percent 95 times out of 100, while provincial/territorial estimates, reliable at +11 percent 95 times out of 100 because of smaller sample sizes, should be regarded as more illustrative. In many cases, however, provincial results point to a need for further research (more definitive treatment of these issues for example, with larger provincial-sector samples). Federal to Provincial/Territorial data comparisons should therefore be regarded with caution.

5.3 The Changing World of Work: Continuing Change

Issues in CWW and NSW: This section examines survey findings on how the CWW and NSW appear to be evident in Canada today, and also how these working conditions are evolving. Questions considered are What are the current patterns of CWW? Is the changing workplace reflected in high or increased use of contract workers? What is the nature of high or increased use of at-home workers? Increasingly regularized chronic overtime? Is the role of NSW becoming greater? Is NSW more or less typical in the federally regulated industries? Is the tendency towards NSW specific to any particular industries?

What Do We Mean by NSW and CWW: The conventional view of the CWW is that it covers many of the issues of change on which the two surveys (of employers and workers) were designed to concentrate, specifically such NSW phenomena as:

- *part-time and contract work* (particularly work where dependent contractors are mainly serving a single client) as well as temporary and seasonal work;

- *telework and other work at home* (for example, where an individual works for an employer at his/her own home), the classic example being piece-rate garment workers in the provincial sector; and

- *unwilling self-employment* (the individual starts a business, although regular employment would be preferred).

Additionally, some types of jobs can be included in the CWW which may appear to be "standard jobs" (regular employment, benefits, higher wages) but which have unusual schedules and work demands dictated by the demands of a changing and highly competitive work world. These types of jobs aid employers' need for flexibility, with schedules unlike those usually seen in typical 9-5 or 8:30 a.m. to 4:30 p.m., Monday-to-Friday jobs. Such jobs have a high incidence of:

- *shift work and unusual hours:* early morning, late night, or all-night shift work, weekend work, compressed work weeks, and related unusual sequences (e.g., five days on long shifts, five days off);

- *permanent overtime* (shifts of more than eight hours, jobs which regularly require over 40 hours a week in some or all seasons); and

- *away-from-home work:* work which requires the worker to be away from home overnight or weekends.

Presentation: In the sections to follow, results are usually presented mainly for federal sectors, with some attention also given, for illustrative purposes, to comparisons with provincial/territorial sectors.[21] See Appendix B for detailed statistical tables.

5.3.1 Employer Reports on CWW and NSW

The survey results for this sample of federal employers suggest a number of areas where the federal sector evidences widespread CWW/NSW phenomena. Additionally, however, some of these results suggest that CWW/NSW phenomena strongly affect *both* federal and provincial sectors, but with somewhat different patterns prevalent in each jurisdiction. Some results which may be relevant to HRDC and to labour standards are the following:

- **Use of Contract Workers:** Federal-sector employers were more likely to report *greater use of dependent contract workers* (those working mainly for one employer) than were provincial-sector employers responding to the survey. Federal (F) employers reported obtaining 10.9 percent of their total labour hours from dependent contract workers, as compared to 1.9 percent of hours for provincial/territorial (P) employers. Use of dependent contract workers was also reported to be *increasing* more rapidly by the federal employers surveyed, as compared to the provincial sector: 38 percent of federal employers reported that their use of dependent contract workers increased over the past two years, as compared to 16 percent of provincially regulated employers surveyed.

---

[21] Results may be influenced by differential response rates for males and females. Note also that some responses may have been influenced by the possible under-representation of federal-sector workers from the transportation sector and possible over-representation of such workers from some other sectors, particularly Crown corporations (see Appendices B and C.2).

In contrast, provincial-sector employers were more likely than federal sector employers to rely on part-time workers (F = 6.9 percent, P = 13.6 percent) and temporary seasonal workers (F = 1.7 percent, P = 5.9 percent).

- **Overtime:** Federal-sector employers reported a very high incidence of regular overtime for full-time staff — days of more than 8 hours, and more than a 40-hour workweek. This was reported by 45 percent of federal-sector employers, compared to 31 percent of provincial-sector employers surveyed. Additionally, a significant portion of federal employers, some 24 percent, reported that the percentage of their workers working over 40 hours a week had increased in the past two years.

  In contrast, provincial-sector employers reported chronic overtime less frequently than those in the federal sector. There was, however, an indication that the provincial sector was catching up, as 35 percent of provincial-sector employers reported that the percentage of their workers working over 40 hours a week had increased in the past two years.

- **Unusual Hours of Work:** Federal-sector employers reported a variety of areas in which unusual hours were likely to occur always or regularly for their full-time workers. For example, they reported a higher percentage of their workers always or regularly travelling out of town weekends (24 percent), as compared to provincial employers (10 percent), and out of town overnight (37 percent F, 25 percent P). This result likely reflects the importance of the trucking and interprovincial transportation sectors in the federal sector.

  As well, 44 percent of federal-sector employers reported that full-time workers worked on weekends regularly or always, as compared to 32 percent of provincial-sector employers. This result is likely influenced by the strong presence of the trucking industry in the federal sector, with its many small employers. As a result the incidence of unusual hours reported by ***workers*** is somewhat different, as is shown below.

- **At-Home Work:** Few federal-sector employers reported using home workers extensively; some 6 percent of federal-sector employers reporting that full-time workers always or regularly worked at home, as compared to 11 percent of provincial-sector employers responding to the survey. *Both* federal and provincial employers reported an increase in use of at-home work in the past two years (about 18 percent for both).

5.3.2 Worker Reports on CWW and NSW

Federal-sector worker reports generally echoed the reports of employers, reflecting many of the same CWW/NSW patterns. Some of their assessments *(focused in most of our analysis on "main" jobs)* included:

- **Overtime:** Like employers, federal-sector workers also reported a very high incidence of regular overtime. Forty-nine percent of federal workers surveyed reported working more than 8 hours a day; 42 percent of federal workers reported a regular working week of more than 40 hours. Overtime occurred less among provincial-sector workers (see Appendix B);

- **Unusual Hours of Work:** Like employers, federal-sector workers reported a variety of areas in which unusual hours were likely to occur always or regularly, but provincial-sector workers also worked unusual hours. Specifically, *federal-sector workers* were more likely to work away from home overnight and more likely to work weekends away from home; provincial-sector workers evidenced different patterns of unusual work schedules — they were more likely to work split shifts, rotating shifts, and night shifts. *However*, experience of unusual working hours overall was found to be increasing most rapidly in the federal sector: in the federal sector, workers were 22 percent more likely to report an increase, as opposed to a decrease, in unusual hours over the past five years, while provincial-sector workers were only 4 percent more likely to report an increase in unusual hours over the past five years;

- **Underemployment and lack of choice about work hours:** Among federal-sector workers working under 30 hours a week, employer changes in work schedules was the third most common reason reported for working fewer hours (only a small percentage of workers were affected, however), with the most common reasons being "could only find part-time work" (2.4 percent) and "did not want full-time work" (2 percent);

- **At-Home Work:** Fewer federal-sector workers reported their work ever required work from home (15 percent), compared to provincial-sector workers (19 percent).

At the same time, federal jobs appeared more likely to be "good jobs" overall. For example, workers in the federal sector were more likely to have a full-time job as their main job (87 percent) than provincial-sector workers (71 percent); less likely to be self-employed because they could not find another job; more likely to have key benefits such as medical and dental plans, employer disability insurance, employer pension plans, and paid sick leave; and likely to be better paid (e.g., more likely to be paid over $25 per hour). (See Appendix B for details.)

Specific industry variations noted in CWW factors were that long hours and shiftwork were somewhat more likely to be found in trucking and other transportation industries, and travel away from home was more likely for those in other transportation sectors.

But CWW/NSW factors, such as long hours, were found in virtually all industries and in the federal as well as provincial sectors. These findings suggest that these

phenomena are of potential and growing concern to all governments and all business sectors and workers.

5.4 CWW, Quality of the Work and Work Environment

This section examines survey findings on how the CWW and NSW affect the quality of work. Questions considered are What are the impacts of the CWW and NSW on quality of work life? The method for examining this is to consider first the overall quality of work and then the issue of how workers and employers see quality of work being affected by CWW/NSW. This analysis focuses on the federal sector, with only broad comparisons with the provincial sector.

How Do Workers See the Quality of Work? Overall, federal-sector workers rate many aspects of the quality of work in their workplaces positively. This was particularly seen for such key workplace factors as productivity (86.7 percent rate good to excellent [*GE*]), absence of sexual harassment (87 percent GE), absence of other harassment (77.9 percent GE).

However, many features of work were *rated moderately* by federal-sector workers, such as safety and healthiness of the workplace (65.8 percent GE), benefits (64.6 percent GE), how well jobs use workers skills (63.9 percent GE), personal fulfillment of work (62.8 percent GE), work schedules (55.4 percent GE), learning opportunities in the job (54.4 percent GE), income provided (52.8 percent GE), participation in workplace decisions (50.4 percent GE), how work matches income (47 percent GE), and employer concerns for workers (44.4 percent GE).

Some key features of workplaces were rated as *far less positive* by federal-sector workers, such as promise of a secure career (40.8 percent GE), impact on family life (35.3 percent GE), opportunity for advancement (34.1 percent GE), benefits such as child care and flextime (27 percent GE), absence of stress (21.6 percent GE), and opportunity for changing jobs horizontally (21.6 percent GE).

Survey ratings at the negative end of the survey scale were anchored on the response "hinders" quality of work. While most workers were satisfied with most aspects of work, ***close to half of all workers surveyed, indicated that aspects of their main job hindered the quality of work in one or more ways.***

Discussion: These last items (concerns with stress, family security, and future) point to a number of potential areas for concern for two reasons. First, the broader economic literature suggests that quality of work is important for productivity, profitability, and international competitiveness generally, and thus to national economic well-being (see Betcherman et al.; OECD The Future of Work; and Families and Work Institute, 1998). Second, a growing literature suggests that causation linking such areas as stress, family life, and work flows in two directions — that maintaining good family life and healthy workers contributes to economic productivity *and* vice-versa.

Interestingly, a comparison with provincial-sector workers surveyed illustrated that in virtually every area, federal workers reported a higher quality of work. Provincial-sector workers reported very similar patterns, but generally slightly lower in ratings, with the exception of occupational safety and health and workplace stress, which were rated more positively by provincial-sector workers (see Appendix B for details).

This general tendency towards reporting a higher quality of work overall might be explained by the very different industries involved, higher pay levels, and higher levels of unionization in key federal industries. Overall, however, the general similarity of these patterns reflects a broader pattern of the quality of work in Canada, which could be of concern to both federal and provincial/territorial governments.

Worker View of Hindering Factors: This exploratory examination of CWW/NSW and quality of work asked workers what factors about work actually hindered work quality. Their answers indicated that the most important hindrances to quality work were:

- *overall work demands* — long hours, rated as a factor hindering quality of work by 25 percent of federal-sector workers and 22 percent of provincial-sector workers; and
- *unpredictability of the job schedule* — rated as a factor hindering quality of work by 12 percent of federal-sector workers and 10 percent of provincial-sector workers.

Employer Views: Naturally, employers tend to take a more positive view of work in their workplaces than do workers. Employers are usually trying to keep their workers happy, give them the best "deal" possible, and take pride in the place of work. For small businesses, pride in the workplace may be strong. For larger private businesses, quality of work and worker satisfaction may be seen clearly by managers for the profit factor that it is. Among public employers, such as Crown corporations, good quality of work makes for good public relations, good labour relations, and good "report cards" to governments.

This tendency for employer views to likely be "rosier" does not make them unimportant. They can provide confirmatory data, and also the gap between worker and employer perceptions may itself be an important workplace indicator. In fact, the analysis of employer assessments of the quality of work provided remarkable validation for the worker survey results:

- federal-sector employers rated as most *positive features* many of the same factors rated positively by federal-sector workers, such as absence of sexual harassment (91 percent GE), absence of other harassment (84 percent GE), and productivity of workers (68 percent GE); and
- federal-sector employers rated *as least positive* such factors as effects on family life (41 percent GE), opportunity for advancement (34 percent GE), absence of stress in the workplace (30 percent GE), opportunity to change jobs horizontally (24 percent GE), and adequacy of benefits such as child care (22 percent GE).

These results almost perfectly mirrored the priorities assigned by workers.

Discussion: The consistency of some employer and worker results gives strength to the findings in two ways. First, their validity is enhanced, in spite of the exploratory nature of these surveys. Second, the expressions of employer concern around some of these issues (family life stress, security, and advancement) suggest potential for employers and industries to be mobilized to deal with some of these issues.

Among these issues, long hours and unpredictable schedules are indicated by workers as a key factor restraining the quality of work. This issue will echo in the analysis examining learning, family life, and other issues.

5.5 CWW and Life-Long Learning

This section examines survey findings on how the CWW and NSW affect life-long learning. Not all workers, of course, want to expand their education (in the survey, some indicated they had no learning goals). But a remarkably high proportion of workers do wish to continue learning, particularly where learning may impact on skills and earning potential. The key questions considered in light of this were: What are the impacts of the CWW and NSW on life-long learning? To what extent is work a hindrance to learning?

Generally, the survey of workers pointed out that employers are highly variable in the way in which they support training and education. This variation was evidenced, for example, in federal-sector *worker* assessments of overall employer support for learning, for which less than half (49 percent) rated this item as good to excellent.

Many federal-sector *employers* reported that they provided *high levels of support* for education and training (for example, 66 percent reported offering alternative work arrangements to aid learning, 45 percent reported helping employees with tuition, 36 percent reported allowing time off with pay for employees pursuing education). Many federal-sector *workers* supported employer reports, indicating that their employers provided assistance with tuition for training or schooling (40 percent F, 24 percent P). Others (23 percent F, 12 percent P) reported that their employers allowed time off with pay for training/education, while some (21 percent F, 19 percent P) reported their employers allowed schedule adjustments.

These employee reports of employers' activity in supporting learning were consistent with those of employers, although somewhat lower. However, the fact that many employers provided no such support is also evidenced.

At the same time, federal-sector workers reported many *hindrances in their main job to life-long-learning objectives. Among workers with learning goals, 60.8 percent indicated that the main job presented a hindrance to formal studies. As well, 34 percent indicated that their main job presented obstacles to self-study; 34 percent indicated obstacles to the development of work skills off the job; and 18.5 percent indicated that main job characteristics were a hindrance to developing work skills on the job.* Overall, a majority of these workers (56.7 percent) indicated that one or another feature of their main job presented obstacles to learning and education.

The mechanism of these obstacles was also clarified by federal-sector workers, with the most important factors being reported as overall work demands (long hours), identified by 40.5 percent of workers as a hindrance to learning or education; incompatible job schedules (25 percent reporting hindrances); and unpredictability of work schedules (16.8 percent). Generally, these hindrances were reported to be somewhat greater for the federal sector than for the provincial sector, reflecting no doubt the impact of long hours in the federal sector (greater, as noted earlier).

Discussion: Overall, these results present a consistent pattern for the study. Learning and training are inputs to productivity; long hours were identified as a factor affecting both productivity and learning. As will be seen in a later section (Section 5.9, "What Aspects of Work Should be Changed?"), the importance of these phenomena is reflected in both employer and worker views on the need for training and education.

5.6 CWW and Harassment in the Workplace

This section examines survey findings on how CWW and NSW are related to workplace harassment. The question considered is What are the impacts of CWW and NSW on workplace harassment?

Findings: Overall, workplace harassment (sexual or otherwise) was not rated as a widespread problem for the quality of work for Canadian workplaces, either federally or provincially regulated. Thus, results noted in section 5.4 showed that 87 percent of federally regulated workers indicated that the workplace was excellent in its absence of sexual harassment, and 77.9 percent indicated excellence in absence of other harassment. This is not to say that harassment is not a significant problem but rather that it is not a widespread problem, as indicated here. Additionally, it should be noted that this study method included no mechanism for focusing on harassment, a topic addressed below.

As regards the relation to the CWW, the analysis examined the way in which assessments of harassment in the workplace varied with the presence of CWW phenomena. Overall, the analysis indicated that workplaces varied in the extent to which workers reported concerns about harassment, and that CWW phenomena were positively correlated (at the 95-percent confidence level) with concerns about the presence of harassment (concern about harassment was correlated with specific factors, such as long hours, shiftwork, travel, and lack of job security).

Discussion: The nature of harassment as a problem is not greatly illuminated by these study results. Yet, as we will be seen later in this section, government protection against harassment remains a high concern of employees, and one which they feel government should be doing more about. Thus, the issue of harassment and how it might be studied in the future with more appropriate research designs is reconsidered in Section 11 of this report.

5.7 CWW and (Job) Security of Workers

Issues in Security: This section examines survey findings on how the CWW and NSW are related to job security of workers. The key questions considered were How secure are workers in their jobs? What are the impacts of the CWW and NSW on feelings of worker security?

These types of questions, of course, have consumed Canadians over the past decade of downsizing, industrial restructuring, and international competition. Earlier, we had noted that in evaluating the quality of work, many federal-sector workers were somewhat divided on the extent to which career futures and opportunities bundled in their main job were positive. Thus, we expected significant indications of job insecurity to be expressed by workers.

Results: Overall, when federal-sector workers were asked about security of their employment, results suggested that security was a major concern:

- only 25 percent of workers rated their job security as good;
- 22.8 percent reported that they felt less secure in their jobs than they did last year;
- in contrast only 7.5 percent reported they felt more secure; and
- many workers (20.9 percent) simply reported that they "did not know" if their jobs were secure, that it "depended entirely on the economy and the employer".

These results were generally similar across federal and provincial sectors, with the most noteworthy difference being that workers were more likely to report feeling less secure in the federal sector.

Relation to CWW/NSW: A correlational analysis indicated that security of jobs was only correlated with CWW/NSW characteristics in a modest, although statistically significant, manner. Where jobs were less standard (had unusual schedules and so on), security was less (correlation significant at the .05 probability level).

5.8 CWW and the Quality of Family and Personal Life

Impact on family and personal life was a key concern in the initial list of evaluation issues. It also emerged as a major topic in the literature and in discussions held with key informants in industry and organized labour. These, of course, are not abstract or theoretical but concrete problems for employers and workers. The reality of these problems is symbolized by such classic cases as that of the employer who needs a worker to stay late when the worker needs to pick up a child from day care.

As will be seen below, these major issues are of great concern to both workers and employers, and important implications can be derived from their assessments of these matters. Key questions considered are What is the quality of personal and family life of

Canadian workers? What are the impacts of the CWW and NSW on workers' family and personal lives?

Key Concepts: Below, as in the prior sections, we examine both *positive indicators* (where the main job is rated as helping family and personal life) and *negative indicators* (where the main job is seen as *hindering family and personal life*). Initially, this research component was focused on family-friendly policies and thus families alone. However, a broader conceptual net was cast to encompass quality of life for non-family individuals — broader features, such as the ability to maintain health, spend leisure time with friends, etc., which apply to single individuals as well as to families.

Results: First, it is interesting to consider overall assessments of work and family life by federal-sector workers. Generally, it would appear that workers fall into different categories on this issue. Federal-sector workers rate some aspects of their main jobs as helping family life, such as the job providing opportunities to talk to children during the day by telephone (59.5 percent indicated "main job helps" [MJH]), providing an adequate income for the family (54.6 percent [MJH]) and providing a secure financial future for your family (47 percent [MJH]). Most factors were rated as only moderately helping family life (e.g., items such as ability to spend time with partners or children or to care for parents). Indeed, only 40 percent of federal-sector workers rated their employers as good to excellent in terms of policies and consideration of employees' family and personal life.

Reflective of this lukewarm assessment of jobs and family life, ***a majority of federal sector workers (54 percent) indicated that one or another factor about their jobs hindered the quality of family and personal life.*** These factors echoed worker reports on specific obstacles to learning and were as follows:

- 31 percent of federal-sector workers reported *overall work demands* (long hours) as the most common obstacle to the quality of family life;

- 19 percent of federal-sector workers reported that *specific schedule features* (days and times) conflicted with family responsibilities;

- 17 percent of federal-sector workers reported that *lack of predictability* of work schedules was a key issue affecting the quality of family life; and

- 10 percent reported that the job did not generate enough *income* to care for their family, 10 percent reported that the job did not allow time for family obligations such as meeting with teachers, and 6 percent reported difficulties meeting needs of sick children and parents.

What Has the Greatest Impact? To examine this issue from another perspective the evaluation considered the impact on family life of several CWW/NSW features, specifically working part-time as opposed to full-time, self-employment, home work, long hours, shift work, travelling work schedules, and lack of job security generally. This exploratory analysis involved estimating (Pearson's r) correlations of the key indicators of these factors.

Overall, the analysis suggested that long hours had the greatest negative impact on quality of family life ($r = -0.27$, significant at better than $p = 0.01$ [significant 95 times in 100]). Broader factors such as part-time work and self-employment had no clear significant impacts on family life, no doubt because of the possible better fit of such working conditions to some family situations (e.g., working at home as an aid to child rearing, other work conditions all being equal). That is to say that some self-employment, for example, may have positive impacts on family life, while other self-employment has negative effects or no effects.

Employer Views: Not surprisingly, federal-sector employers were less likely than workers to see their work as interfering with the family lives of their workers. This lack of awareness is likely contributed to by a number of factors. First, as noted earlier, employers may have unwarranted positive assessments of their policies' impact on workers.

As well, workers may not reveal family problems to employers for a variety of reasons. In any case, in examining employer views of family and personal life as affected by work, generally similar factors emerged. However, generally much smaller percentages of employers reported awareness of these problems.[22] Employers did, however, have views on instances of the opposite sort — where family life interferes with work. This, of course, is the reverse of the problem we set out to investigate.

Overall, a substantial minority of federal-sector employers (41 percent) reported that they were aware of situations where work was disrupted by family needs. Employers showed considerable interest in addressing these types of issues, but very few employers (3.5 percent) reported that family life had been the subject of internal studies (surveys of employees) and that practices were in place to aid family life.[23]

Also, of course, many employers provided related benefits or conditions of work, such as paid leave for emergencies for children (reported available by 40 percent of federal-sector employees), paid leave for care of elderly parents (reported available by 31 percent of federal-sector employees), and unpaid leave for emergencies for children (25.6 percent reported available) and elderly parents (21 percent reported available).

Comparisons to the Provincial Sector: The surveys suggested that federally regulated employers were rated more highly than provincially regulated employers in this area overall, but workers in all sectors appeared to experience work/family-life conflicts. For example, federally regulated workers were far more likely to report overall work demands (long hours) as a problem for family life (31 percent), as compared to provincially regulated workers (23 percent). But federally regulated workers rated financial impacts on their families more positively (only 15 percent reporting negative impacts) than did provincially regulated workers (34 percent reporting negative impacts).

---

[22] For example, 19 percent of federal-sector employers reported that work interferes with workers ability to spend time with their spouse/partner, while 27 percent of workers reported this problem. Similar variations were seen in all areas. This may not be a matter of employers' lack of perception or empathy; rather, this may simply reflect the fact that for a variety of reasons, employees do not complain about these matters to their employers (see Appendix B for details).

[23] This is interesting in light of initiatives in some jurisdictions, such as Australia, to promote research by employers to aid the development of family-friendly workplaces.

These results suggest that many of the problems of work and family life are very common between the federal and provincial sectors. As to employer practices supportive of family life — such as paid family leave — these practices were far more common, according to the worker survey, in the federal sector.

For example, while 40 percent of employees reported that paid family leave was available for child emergencies in the federal sector, only 21 percent of those surveyed in the provincial sector reported that such provisions were available from their employer.

Discussion: Four interesting considerations come out of the above results. First, it would appear that labour standards affecting some CWW work conditions could have positive impacts on the quality of family and personal life. These positive impacts could be beneficial more broadly to society, as it is likely that improved quality of life will further impact on the quality of work and economic productivity. ***Thus, it would appear that labour standards have potential to improve the quality of family and personal life to the benefit of Canadian society.***

Second, the existence of certain benefits, such as family leave, on a fairly wide scale in the federal sector[24] would imply a certain ease of introducing such provisions to the labour standards floor, were that deemed desirable, e.g., the fact that this is fairly widespread may make it more reasonable to treat them as common standards.

Third, the correlations noted throughout make it clear that one stressful working condition may be offset by another. This implies that, perhaps sometimes, existing circumstances may suggest an opportunity for "bunding" of labour standards. A case can be seen in some situations where employees have traded off long workdays for short workweeks. However, bundling as an approach could make the setting of related labour standards more difficult, since there may be few rules for combination that can work. Exceptions may occur in unionized settings, where unions might be able to generate bundles of working conditions where one negative condition was offset by another positive one of value to workers. Barring health and safety concerns, it is possible to see ways, for example, in which long hours at one time in the year might be traded for longer holidays at another time and so on and a situation where, in theory, labour standards could be considered as much in terms of their combinations as in terms of individual minimum standards.

Fourth, the awareness of employers of some of these problems implies the potential for change. As well, will be seen in the next section, many of the concerns noted here as priority problems for workers, as well as to some extent for employers, are reflected in definite points of view about things employers and government should be doing to change Canadian workplaces.

---

[24] For example, 40 percent of federal-sector workers reported paid leave for emergencies for children, while another 26 percent reported unpaid leave for emergencies for children.

5.9 What Aspects of Work Should be Changed?

To provide perspective on issues of change in the CWW and NSW, workers and employers were asked directly what they thought should be changed in their workplace. The key questions to be answered here were: What are the priorities for change? Who should do something about changing workplaces? To address these questions, we asked workers what they thought should be changed, respectively by employers and by government.

What Workers Would Like to Change About Work: Workers had many important ideas about what employers should change in their workplaces. Among these changes, workers emphasized the following most: more skills training (63 percent of workers), more flextime (62 percent), and time off in lieu of overtime (61 percent).[25] These and other priorities were evidenced in a more detailed assessment as to what employers and/or governments should do to bring about workplace changes.

Specifically, many federal-sector workers expressed high demands for the following when asked what was *most important for them personally* (workers were asked to indicate the three most important changes — totals do not add to 100 percent).[26] Please see Appendix B, Displays 1.9 to 1.11 for all details.

In this assessment of three most important changes to workers, improved job security provisions was ranked most important (identified by 22 percent of workers as a single change that would be most important to them), followed by:

- paid leave for educational upgrading (21 percent rated most important);
- paid leave for family emergencies (19 percent rated most important);
- more skills training (18 percent);
- right to time off in lieu of overtime (17 percent);
- better access to flextime (14 percent);
- ensuring that benefits can be transferred (13 percent); and
- improved health and safety in the workplace (12 percent rated most important).

---

[25] These data represent federal sector workers' assessments of what they felt "employers should do to improve the quality of work."

[26] Percentages are the percentage indicating this choice as one of their top three priorities. These percentages are different from the percentage endorsing these changes generally. For example, 17 percent of federal workers indicated that "right to time off in lieu of overtime" was a key priority, but 61 percent thought this was a needed change overall in workplaces which should be pursued by employers. See Appendix B for details.

Workers expressed somewhat similar concerns when asked about the types of workplace *changes that they felt government should require of employers*, but with some variations reflecting a sense of government's role. Specifically, when asked which three changes they thought should be highest in priority for government, they indicated:

- improved worker job security provisions (e.g., severance, termination (20 percent rated most important);
- assistance to employees who need child care (15 percent);
- paid educational leave (15 percent);
- improved health and safety in the workplace (15 percent);
- paid leave for family emergencies (14 percent);
- more skills training (13 percent);
- assurance that employee benefits can be transferred to a new job or self-employment (13 percent);
- right to time off in lieu of overtime (12 percent); and
- improving protection from harassment other than sexual harassment (11 percent rated most important).

These views also reflected a sense that different types of workplace changes were more the domain of employers and government, respectively. Thus, when asked what the priorities for government should be overall, items such as child care and health and safety were given priority, but items such as improving harassment protection also emerged as priorities. In contrast, workers were more likely to see *employers as needing to do more about things like time off in lieu of paid overtime, job-sharing*, work from home, flextime, and so on.

What Employers Would Like to Change About Work: Interestingly, federal-sector employers expressed a somewhat similar pattern of concerns, the greatest difference being a noteworthy minority (about 30 percent) of employers who felt that their workplaces needed *no* changes and that no actions were needed by government on any of these workplace topics.

Even so, many employers endorsed important types of changes as desirable for Canadian workplaces, and many of these echoed views of workers. For example, like workers, a majority of employers (58 percent) endorsed the right to time off in lieu of overtime as a desirable workplace change. More skills training was also endorsed by a majority of employers (54 percent) as a desirable workplace change, and a variety of other changes were endorsed by notable minorities of employers (25 percent or more). These included items such as improved health and safety, allowing for more job sharing and more flextime, providing unpaid and paid leave for family emergencies, opportunities for more work from home, better notice to workers about changes of hours, unpaid and paid leave for educational ungrading, counselling services, ability to transfer benefits, reducing sexual and other harassment, better job-security provisions, and improved child care.[27]

Employers placed priority on the following types of changes when asked what would be the *three most important to change in their workplace* (totals do not add to 100 percent).[28]

Right to time off in lieu of overtime was given the highest (16 percent chose as one of their three most important changes), followed by:

- more skills training (15 percent);
- better access to flextime (14 percent);
- more opportunities for employees to work from home (12 percent);
- more job-sharing (11 percent);
- improved health and safety in the workplace (10 percent); and
- paid leave for educational upgrading (8 percent).

Employers again expressed somewhat similar concerns about the types of workplace changes that they felt *government* should pursue on a priority basis, but again (as was found with workers) with some variations reflecting a particular role for government as opposed to employers'. Specifically, federal-sector employers indicated the following highest priorities for the government role:

- encouraging employers to provide skills training (14 percent);
- more assistance for child care (13 percent);
- improved health and safety in the workplace (11 percent);
- giving workers the right to time off in lieu of overtime (11 percent);
- assurance that employee benefits can be transferred to a new job or self-employment (9 percent);
- protecting the self-employed with labour standards (8 percent); and
- paid leave for educational upgrading (8 percent).

---

[27] These dates represent federal sector employers' assessments of what workplace practices they felt "should be encouraged more in Canadian workplaces".

[28] Percentages are the percentage indicating this choice as one of their top three priorities. These percentages are different from the percentage endorsing these changes generally.

Discussion: One of the more interesting results of this analysis can be seen in the topic of chronic overtime and its remedy. The reader is reminded that *two remedies* were tested for both workers and employers — "right to time off in lieu of overtime," and "right to refuse overtime." For employers, overall assessments were that the "time off in lieu" option was highly desirable, as noted above, but that the "right to refuse overtime" was not rated as very desirable to employers by any of the measures. For workers, "time off in lieu" was a desirable option in general as was the right to refuse overtime (both were rated equally as desirable workplace changes). However, when asked to evaluate that "most important changes" workers ranked only "time off in lieu" highly. This was seen as suggesting a worker perspective that either of the mechanisms could provide a reasonable alternative remedy, but with "time off in lieu" being the more practical or desirable.

5.10 Employers' Research and Best Practices

The survey of employers suggested that noticeable minorities of employers are in fact very active in trying to develop new solutions and improvements to problems in work, learning, and family life. For example:

- some 12 percent of federal employers indicated that they engaged in particular best practices to aid family life and life-long learning; and
- some 4 percent of federal employers indicated that they had engaged in or were interested in engaging in workplace studies (42 percent) to better understand the quality of work and the relation of work to life-long learning and family life.

Since many of those engaged in such practices were larger employers — leaders in their sectors — the potential for improved working conditions through partnerships with such employers, and their example for others, appeared to be significant.

5.11 Conclusions and Considerations

The Current Shape of CWW: The surveys of workers and employers point the evaluation towards a number of important considerations, building upon what was found in the evaluation's interviews with stakeholders in business and organized labour in Section 4. Most importantly:

- The results suggest that the CWW is a substantial factor in the federally regulated sectors, with long hours of work being the single most significant aspect;
- CWW phenomena were found to be increasing in the federal sector; and
- CWW phenomena were found in various ways to affect *both* the federal and provincial employment sectors.

Important negative effects of CWW were noted, particularly by workers, in such areas as:

- reduced quality of work;

- reduced learning opportunities;
- higher levels of insecurity and harassment; and
- reduced quality of family life.

While a number of CWW factors were noted as impacting on these important aspects of work and life, long working hours and other work-schedule issues were noted as the most important of the negative factors.

Key potential changes were noted by both employers and workers, suggesting a possibility of potential for some support for change. Types of changes noted as desirable by both employers and workers (albeit generally more so by workers) included:

- providing workers with the right to time off in lieu of overtime (as a mechanism to aid the reduction of chronic overtime);
- better access to flextime;
- encouraging employers to provide skills training;
- more assistance for child care;
- improved health and safety in the workplace;
- assurance that employee benefits can be transferred to a new job or self-employment; and
- paid educational leave.

Additionally, some other areas were flagged as areas of concern by employers and workers, but without clear direction on how these issues should be dealt with, these may warrant further study (along with one key area — harassment — which could not be fully assessed within the methodology of this evaluation). Some of these areas for possible future study include:

- examining the potential of "bundling" labour standards (as discussed in Section 5.8);
- examining harassment issues through a more focused study of harassment complainants; and
- examining the potential pathways of developing new labour standards initiatives through investigations involving focus groups and Delphi studies with stakeholders and representative groups of employers and workers.

As noted in Sections 10 and 11, which conclude this report, a variety of approaches can be used to integrate this variety of potential initiatives. First, however, some specific substudies are considered — the substudies which the evaluation included on international issues, First Nations, occupational safety and health, and enforcement and compliance.

Some Selected International Quotations

"Last year [the European Commission] held a summit on labour matters; life-long learning was discussed.... For the first time the member states have to report to the Commission, which will evaluate them. This puts pressure on member states to act further. We think the only way the European model can survive is to invest heavily in life-long learning."
(Key informant, Labour Law and Industrial Relations, European Union, Brussels, Belgium)

"Employer groups are asking for removal of the most burdensome aspects of the proposed [labour standards] legislation.... They want flexibility on working time — for example, 48 hours a week spread over a four-month period, and the ability of employees to voluntarily work more than 48 hours a week (with the request documented, of course) — with the provision that an employee cannot be penalized (dismissed or denied promotional opportunities) for refusing to work longer."
(Key informant, Department of Trade and Industry, London, England)

"Third-world conditions are being reconstituted in NYC [New York City] since the immigrant illegal population was ripe for abuse. Canada should watch out for this in the garment trade and in the employee leasing game."
(A New York State official)

"Our government has introduced a law to reduce working time to 35 hours a week by the year 2000 or 2002, depending on the size of firm. One of the aims is to reduce France's high unemployment rate. (The present maximum work week is 46-48 hours. The framework is set by the law, but it can be adapted to specific needs or requirements by collective bargaining.... The president of the national employers organization is opposed to the new law."
(Key informant, ministère du Travail, Paris, France)

"Regardless of the merits of the competitiveness and human rights arguments for harmonizing labor standards, there is considerable popular support for them in the United States and other developed countries, as indicated by a series of recent agreements made by companies to voluntarily raise labour standards in their foreign operations."
(Stephen S. Golub, Are International Labor Standards Needed To Prevent Social Dumping? *IMF Finance & Development, December 1997, p. 23)*

> *"Non-standard work is growing quickly in Illinois and causing important jurisdictional overlaps between the federal and state governments.*[29] *The regulatory challenges due to CWW are identical to those observed in Canada — dependent versus independent contractors, health and safety issues, and minimum wages."*
> *(An Illinois State official)*

---

[29] It should also be pointed out, however, that in the United States federal and state jurisdictions often overlap, and in those cases the stricter regulation usually applies, which presumably works to the employee's advantage.

6. International Aspects of Labour Standards

6.1 General Approach to the International Review

Method: This portion of the report focuses on the evolving direction of labour standards and the CWW in different jurisdictions. Information was generated primarily from two sources — a literature review and a series of telephone discussions with experts in Europe and the United States. The domestic interviews with government labour standards officials also discussed some international issues and trends which could be models or provide certain lessons for Part III. In this regard, the study benefited from the observations by CAALL officials, and some union representatives and employers offered interesting insights as well.

The remarks and observations which follow are based on several different sets of inputs — discussions with 9 knowledgeable international experts in labour standards and 24 of their Canadian counterparts (particularly CAALL members and Canadian firms and unions which professed an interest and knowledge) and a somewhat separate literature review. (An international bibliography is attached in Appendix A.)

The international substudy was designed to focus on labour standards regimes in a number of European Community member and other countries, the United States (federal and selected states), and selected Canadian provinces/territories. This section considers virtually the same themes which were addressed in the evaluation's domestic key informant interviews, as well as in the survey questions (i.e., CWW and a number of priority areas — quality of family life, life-long learning, harassment, security, and quality of working life). Some insights are also provided into how other jurisdictions deal with problems of compliance and enforcement in labour standards.

An important caveat to this analysis should be introduced at this point. There is little question that the culture of work and the policy context are different in Europe than in Canada and the United States. United States and Canadian labour markets are considerably more flexible than their counterparts in Continental Europe. In addition, the application and enforcement of labour standards in Canada are very different (in some ways considerably lighter) from those in Continental Europe. As well, generous worker benefits are more common in Europe, both because of standards and regulations as well as because of the higher degree of unionization. Indeed, it is often argued that the persistently higher unemployment in Europe, compared to the United States, is due to significant differences in benefits and labour standards. The assumption is that firms will be more reluctant to create permanent jobs when the costs of doing so are so much higher. For example, when a permanent employee is fired in Spain, he/she may be entitled to receive severance of 45 days pay for each year of work. Consequently, there are very few permanent new jobs created in Spain. (*See Federal Reserve Bank of Philadelphia Business Review*, page 28, May/June 1998.)

Overview: The work in this section provides a broad-brush overview of the treatment of critical issues in labour standards regulations. As such, this section discusses some recent international reforms, the importance of the CWW, the treatment of full- and part-time employment, at-home workers, family-friendly policies, and some compliance and enforcement ideas which might have relevance for the Code.

The consistency of these findings is substantial — in general, all sources of information painted a consistent picture of the direction of standards abroad (particularly in Europe and the United States) and the challenges to standards abroad. As well, these findings provide some ideas for dealing with the CWW and NSW issues in Canada, as will be seen below.

The reader will no doubt realize that many of the ideas and suggestions for broadening the scope of the Code or for extending the Code in the direction of better coverage of NSW and CWW have been tried out or emerged in the European scene.

Section 6.2 begins with an overview of illustrative findings on recent changes in labour standards in selected jurisdictions. Appendix C.4 includes additional details of labour standards regimes which have emerged in a number of countries.

6.2 Recent Reforms in Foreign Jurisdictions

Several of the foreign jurisdictions included in this review have recently enacted reforms to their labour standards programs. This was the case in Australia, Sweden, and the European Community. These reforms illustrate the importance that labour standards issues have occupied in the policy agenda of such jurisdictions at the international level, since labour regulations are seen as an important part of the regulatory environment affecting the competitiveness of businesses. This section summarizes some of the key policy objectives behind the modifications to labour laws enacted in the selected jurisdictions.

Australia: In Australia, a major overhaul of the industrial-relations legislation was enacted in 1996. One of the important aspects of the reform was the simplification of the awards system (awards are administrative decisions by the labour standards agency), which was seen as unduly complex and cumbersome for businesses. The objectives of the reform were described in official governmental publications in the following manner:

- to give responsibility for industrial relations and agreement-making to employers and employees at the enterprise and workplace levels;
- to focus the role of the award system on providing a safety net of fair and enforceable minimum wages and conditions;
- to ensure freedom of association;
- to avoid discrimination;

- to assist employees to balance their work and family responsibilities effectively; and
- to assist in giving effect to Australia's international obligations in respect of labour standards.

This reform included several important changes in the area of labour standards, particularly with respect to the award system.

Sweden: In the same year, Sweden also adopted a number of changes designed to modernize its labour standards regulations. Flexibility seemed to have been the dominant objective of the reform, since the Swedish system has traditionally imposed very strict labour regulations, particularly with respect to hiring temporary workers. The government explained the rationale of the new legislation with the following four objectives:

- the need to tackle unemployment and the stated objective of the government to reduce the number of registered unemployed persons by half;
- the need to adapt legislation to the changing labour market;
- the need to provide sound and stable labour laws to encourage flexibility and productivity; and
- the need to promote equal opportunities between men and women.

European Community: The European Community has developed policies in the area of labour laws aimed at protecting the free movement of workers, equal treatment for men and women, basic working conditions, and health and safety at work. Most of these policies have taken the form of Directives imposing guidelines on member states for the adoption of national legislation. New labour standards issues have received some attention over the last few years. Several Directives have been adopted since 1990, such as one recent Directive on part-time work (1997) and another on working time (1993). The European Commission proposes to examine other labour issues and review policies and programs over the next few years, including fixed-time duration contracts, temporary work, home working, and individual redundancies.

Conclusion: Many of the concerns at the forefront of the Canadian policy agenda have also been important in other jurisdictions at the international level. Some issues, such as part-time work, family responsibility, flexibility, international competitiveness, and the CWW have been central considerations in the reform of labour laws in Australia, Sweden, and the European Community.

6.3 The CWW in Different Jurisdictions

New forms of work have not been a primary focus in the policy agenda of the countries reviewed, although some jurisdictions, such as Sweden, have announced their intention to examine these issues in the near future. Telework and dependent contractors have not been the object of specific legislative provisions, although part-time and temporary work is specifically regulated in some countries. Canadian provincial governments have been more active in this dealing with some of these issues, as is noted in Section 6.3.2 below.

6.3.1 Foreign Jurisdictions

Regulation of Temporary Employment In Sweden: In Sweden, labour standards legislation imposes strict limitations on the use of temporary employees and requires that such type of employment be justified by the particular nature of the work to be performed or that the employment be related to practical training apprenticeship. In 1982, legislation was amended to expand further the number of situations where it is permissible to resort to temporary employment. These situations include replacement employees during holidays, piling-up of work due to temporary absences, employment while awaiting compulsory military service, employment of workers who have reached pensionable age, and employment on a trial basis of up to six months.

As part of the recent reforms introduced in 1996, the government sought to introduce greater flexibility in the hiring of new staff. A new contract of employment was created to allow employers to hire staff for a specified period of up to 12 months without giving any special grounds. The same employee may be hired on this type of contract for a maximum of 12 months during a three-year period. The minimum duration of this contract is one month. A maximum of five members of staff may be engaged simultaneously on specified temporary employment contracts with the same employer. Even after these changes, Sweden remains one of the few countries with strict regulations on the use of temporary employment.

Regulation of Part-time Work: New legislation in Australia seeks to remove unnecessary constraints on the use of regular part-time work in the awards system and to provide greater access to part-time work. The policy is based on the recognition that regular part-time employment can have a number of advantages for workers balancing work and family responsibilities or other commitments, such as attending training or education programs. The legislation defines a part-time employee as an "employee who works less than full-time, who has reasonably predictable hours of work and who receives, on a pro-rata basis, equivalent pay and conditions to those specified in an award or awards for full-time employees who do the same work."

The Australian legislation provides that new awards will not include provisions limiting the number or proportion of workers that are employed in regular part-time and casual employment. Awards will include, where appropriate, provisions to facilitate the use of regular part-time workers, and may include provisions relating to the minimum number of consecutive hours that regular part-time employees may be required to work, and provisions facilitating a regular pattern in the hours of work.

The general trend in the European Union, in contrast, is to move towards the enactment of specific labour standards designed to protect part-time workers. In December 1997, a Directive was finally adopted to implement a Framework Agreement on Part-time Work, which was concluded with different social partners earlier in the year. The purpose of the agreement is to eliminate discrimination against part-time workers and to improve the quality of part-time work. This Directive provides that part-time workers should not be treated in a less favourable manner than comparable full-time workers in respect of employment conditions solely because they work part-time unless different treatment is justified on objective grounds. Member states are allowed, however, to make access to particular conditions of employment subject to a period of service, time worked, or earnings qualifications.

The Directive also provides that member states should review and eliminate obstacles for part-time work. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for dismissal. Whenever possible, however, employers should give consideration to requests from employees to increase or reduce their hours of work and should provide timely information on the availability of part-time work in the enterprise. The implementation target date of this Directive for member states is January 20, 2000.

At-Home Work: The issue of at-home work has not been the object of broad labour standards legislation in the countries reviewed. In the United States, the performance of some types of work in an employee's home is prohibited by legislation, unless the employer has obtained prior certification from the Department of Labor.[30] An example of prohibited work might be in the chemical-manufacturing field, dealing with toxic substances. This provision relates generally to health and safety regulation, since the type of industries requiring such certification are mostly in the manufacturing sector. However, employers wishing to employ at-home workers in these industries are required to, among other things, provide written assurances to the Department that they will comply with the Act's wage and other requirements.

6.3.2 Provincial Jurisdictions

At the provincial level in Canada, there has been more focus on the regulation of part-time work and certain aspects of the new forms of employment. Most provincial employment statutes provide explicitly or implicitly that dependent contractors and part-time employees are covered by the legislation. Some statutes also include special protection specifically for part-time employees. Some illustrations of these types of provisions follow.

Quebec was the first (and is still the only) jurisdiction to ban wage discrimination against part-time workers. This provision provides that part-time workers must receive a rate of pay equal to full-time workers, unless they receive a wage more than twice the rate of the minimum wage. Part-time workers must receive a period of annual vacation equal to that given to full-time employees.

---

[30] For example, work using toxic substances.

In Saskatchewan, all benefits, such as dental plan, group life plan, or prescription drug plan given to full-time employees, must be extended to part-time employees on a prorated basis. This provision only applies to businesses with at least 10 full-time-equivalent employees and to workers working on average at least 15 hours per week and having completed a qualifying period of 26 weeks. A new provision will require that part-time employees be first to be offered additional work, on a seniority basis, when such work is available.

At-Home Work: With respect to at-home work, several provinces such as British Columbia, Ontario, and Saskatchewan, provide that employers must keep certain records on their home-based employees and, in some cases, must provide a register of home-based employees to the labour standards authority. In Ontario, a special minimum wage applies to at-home workers, equal to 110 percent of the regular minimum wage. The difference is meant to compensate at-home workers for additional costs related to working at home.

6.3.3 Conclusions on Jurisdictional Variations

Some important considerations for Canada can be identified from the following illustrations of various jurisdictional labour legislation. The most important developments have been around the issue of part-time work. Specifically, there is a general trend both nationally and internationally towards the introduction of specific labour standards for the protection of part-time workers. The prohibition against wage discrimination for part-time workers is now embodied in a Directive of the European Union.

Some provincial employment statutes (Quebec and Saskatchewan) have also begun to include specific provisions on part-time-related wage discrimination. At the same time, some jurisdictions have recognized the importance of part-time work for certain categories of workers who have to balance work and family or other responsibilities. An interesting initiative is a new Saskatchewan employment statute which will grant a right of first refusal to part-time workers when additional work is available.

Temporary work has not generally been specifically regulated in the jurisdictions reviewed, except in Sweden, which is now moving away from strict regulations in this area. Home-based work has likewise not been the object of many legislative initiatives, except in some Canadian provinces which have begun to impose certain record-keeping and registration requirements with respect to home-based workers. Ontario has gone one step further by imposing a special minimum wage for home-based workers, thus recognizing that home-based workers often have to bear additional costs not imposed on other workers.

6.4 Family-Friendly Policies and Continuing Education

Family-friendly policies have received considerable attention in the countries reviewed. Indeed, most countries now have labour standards dealing with pregnancy and maternity leaves, and new American family-leave legislation represents an important illustration. Education, in contrast, is less recognized. For example, Sweden is the only country known to have enacted a specific provision requiring employers to grant educational leave to their workers. In Australia, labour tribunals have wide-ranging powers to enact labour standards in the area of family-friendly policies.

Australia: One of the objectives of new legislation in Australia is to assist employees "to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers." Moreover, the legislation prohibits discrimination in employment relationships on the ground of "family responsibilities." The labour tribunal must take these two objectives into account in the performance of its award-making function.

More specifically, the labour tribunal is allowed to make awards in relation to:

- ordinary hours of work and the times within which they are performed, rest breaks, notice periods, and variations in working hours;
- personal/career leave, including sick leave, family leave, bereavement leave, compassionate leave, and other like forms of leave;
- parental leave, including maternity and adoption leave;
- allocation of time for working overtime or for casual or shift work; and
- types of employment, such as full-time employment, casual employment, regular part-time employment, and shift work.

There is no legislation at the Australian federal level imposing uniform labour standards in the areas of family-friendly policies. Therefore, requirements will vary among industries on the basis of applicable awards. In addition to legislation, Australia also promotes education and the development of innovative family work environments by encouraging workplaces to conduct "audits" or surveys of the family-supportiveness of workplace practices.

Sweden: In Sweden, a female employee is entitled to receive up to 14 weeks of complete leave in connection with the birth of her child or breast feeding. Complete leaves are also available to all parents until the child reaches the age of 18 months. Parental leaves in the form of a reduction in working hours may be available until a child reaches the age of eight years, and temporary leaves are available to care for a child. Most of these leaves can give rise to benefits under the *National Insurance Act*.

Sweden also has legislation providing employees with educational leaves. The *Employee's Right to Educational Leave Act* (1974) increased the opportunity for employees to be granted leave of absence from work to pursue studies for varying periods. The legislation provides that all employees who have been employed for the preceding 6 months or at least 12 months in the preceding two years are entitled to leave of absence to pursue educational programs. When a significant part of the training program concerns trade-union matters, this qualifying period is waived. Employers are allowed to require that the leave be postponed within certain limits.

United Kingdom: Several provisions in the British legislation relate to pregnancy and maternity leaves or pay. First, all pregnant employees are entitled to reasonable time off to keep appointments made on the advice of a registered medical practitioner, midwife, or health visitor for antenatal care. Second, all pregnant employees are entitled to a period of statutory maternity leave of up to 14 weeks, regardless of their length of service. During these 14 weeks, the employee is entitled to the benefit of all normal terms and conditions of employment, except remuneration. However, a woman may be eligible for statutory maternity pay or maternity allowances if she qualifies under the minimum eligibility rules. Female employees with at least two years of continuous employment are eligible for additional maternity leave which may bring their total period of leave to around 40 weeks overall.

United States: In the United States, the *Family and Medical Leave Act* (FMLA) was originally enacted in 1993 and is intended to provide a means for employees to balance their work and family responsibilities by taking unpaid leave in certain circumstances. The FMLA provides entitlement to job-protected, unpaid leave of up to 12 weeks during any 12 months for the following reasons:

- birth and care of the employee's child or adoption of a child;
- care of an immediate family member who has a serious health condition; or
- for the employee's own serious health condition.

During a period of FMLA leave, an employer must maintain any group benefit that the employee was receiving at the same level and in the same manner as it would be if the employee had continued to work. Under most circumstances, an employee may elect, or the employer may require, the use of any accrued paid leave (vacation, sick, personal, etc.) before the commencement of unpaid FMLA leave.

Canadian Provincial Jurisdictions: In Canada, all jurisdictions reviewed have adopted maternity leaves of about 18 weeks and parental leaves varying between 12 and 52 weeks. Bereavement leaves are available in British Columbia, Quebec, and Ontario, while only British Columbia and Quebec have enacted family-related leaves for the care, health, or education of a child or other close family members. Quebec is the only jurisdiction providing extensive family-related leaves, including leaves for the wedding of a close family member and short-term leaves for the birth or adoption of a child and for illness or accidents.

Conclusion Regarding Education and Family-Friendly Policies: Most jurisdictions reviewed have not yet enacted innovative provisions in the areas of family-friendly policies or continuing education. All jurisdictions reviewed provide for maternity leaves, but few have extended these provisions to cover other family-related responsibilities.

British Columbia and Quebec have shown leadership in this area by enacting specific family-related leaves for the care, health, or education of a child or other close family members. In Australia, labour tribunals have wide-ranging powers to make awards relating to family-related leaves. With respect to continuing education, only Sweden allows employees to take leaves of absence to pursue formal studies or other training programs. ***Most importantly, American legislation on family leave provides an interesting point of reference because of the intertwining of the American and Canadian economies.***

6.5 Some Compliance and Enforcement Considerations

Discussions with international experts triggered a number of compliance and enforcement suggestions — some of them rather similar to those which surfaced in the evaluation's domestic interviews.

In general terms, the compliance and enforcement ideas seem to reflect unique aspects of the kinds of jurisdictions examined. These can be divided for discussion purposes into the United States and the European models.

The United States Model: As noted elsewhere in this report, labour standards issues appear to be low on the public-policy agenda in the United States. The tendency is to minimize labour standards costs on employers because of the need to attract new investment. At the same time, the income inequalities have widened to such an extent that, at the federal level, the Clinton administration has raised the minimum wage. Up to very recently, this kind of change would have been very difficult to introduce.

Overall, however, the main United States approach continues to be laissez faire. For example, New York State, which in some respect resembles Quebec and Ontario, has become very laissez faire as regards regulatory direction. The emphasis at the State-government level is very much on a business-friendly environment, which officials associate with strong levels of job creation. Labour standards enforcement has not been discarded, but the State government is stressing very much the voluntary approach. Prosecutions and fines, it is suggested, should be focused only on the "egregious" or repeat violator. In case of a first violation, it is often seen as lack of knowledge, and the employer is required to attend a seminar on the issue. There has been a corresponding shift from routine audits to a focus on flagrant violations.

The evaluation interviews with public officials in the United States also stressed the informational and voluntary approaches to handling compliance problems. Along with the laissez faire direction, there is considerable support for consultation exercises in the labour-regulations field. Indeed, the resurgence of industrial at-home work in New York State since the 1980s has resulted in a number of useful industry/labour task forces. Finally, in terms of ensuring compliance and enforcement, the United States approach stresses the voluntary enforcement approach and relies heavily on unions in the unionized sectors of the economy.

The European Model: As already noted, the European model relies more on establishing strong labour standards through regulations or through collective bargaining. This is not to suggest that the firms like the system that has emerged, but they have gotten used to the system. Though employers complain about the lack of flexibility in their operations, they have aggressively used part-time employment and dependent contractors to obtain labour-force flexibility.

With respect to some specific ideas (e.g., for the encouragement of life-long learning), one approach used in the United Kingdom has been a training levy to support a joint industry training body (e.g., construction). This approach overcomes the risk of poaching of a trained employee by one firm from another.

In terms of the process of changing the regulations, British officials indicated that before any changes are introduced there are extensive discussions with stakeholders to achieve consensus and avoid design flaws. However, the United Kingdom is about to introduce a number of European Directives, which for that country will prove difficult. The UK model, as in the case of the American approach, is much more attuned to individual rights and less intrusive to the employee/employer relationship than the Continental European model.

In France, the government attempts to achieve compliance with new labour-market directions by adapting the regulations to collective bargaining wherever possible. Financial incentives are sometimes offered to the firms to achieve labour standards objectives, but this approach is not always very efficient. There is no guarantee that employers will not take the money but then use the funds for an unintended purpose.

France also uses the equivalent of *sectoral bargaining* for smaller firms. The term used in our interview was "mutualization." Mutualization was seen as a way of balancing the wishes of employers for stability and flexibility against the interests of workers for bargaining power.

6.6 Lessons from the International Review

As in North America, there is considerable interest in Europe in the CWW. American and European officials identified virtually the same problems with NSW as their Canadian counterparts; however, this issue is tackled very differently in Europe than in North America. The CWW is not seen to be as large a regulatory challenge in Europe as in Canada.

Most of our European discussions focused on the problem of implementing broader European Directives, rather than focusing only on the CWW. This is not to imply that the political implementation process is easy or smooth in Europe. Some countries, particularly the United Kingdom, are having to introduce labour standards measures that until very recently they would never have contemplated. In fact, there is considerable member-state reluctance to adopting the European Union Directives without very careful study and negotiation with their own internal stakeholders.

At the national level, it is interesting to consider the differences in approach to working-time issues, which are at the heart of the family-friendly link into labour standards. Over the past 20 years, for example, the United States federal government has not had a systematic policy on working time. The German government, in contrast, tried to use its influence to forestall the push to shorter working hours and has passed legislation designed to foster numerical flexibility and working-time flexibility at the firm level. The French government has actively pushed for work-sharing policies while at the same time passing legislation helping firms by increasing numerical as well as working-time flexibility.

Increasing numerical flexibility provides employers the means to vary the amounts of hours of work and the size of the workforce over the business cycle. Increased numerical flexibility is associated with the ability to use temporary workers, part-time workers, etc., and is seen as a way of lowering labour costs. Increasing working-time flexibility from an employer's perspective is seen to mean altering work-time schedules more freely to meet changing demand conditions.

"Unlike in the United States, shorter working hours have been at the center of the societal debates over working time in many European countries, including France and Germany. In both France and Germany, the full-time work week and work year was shortened in the 1980's. In France the government legislated shorter working hours while in Germany the unions succeeded in gaining reduced full-time work weeks through collective negotiations with employers. Shorter working hours were seen as beneficial in and of themselves as well as critical for job creation" (Sam Rosenberg, June 13-15 Symposium on Changes in Working Time in Canada and the United States, mimeo, 1996, p.2).

The European experience and direction, while interesting, cannot be easily replicated in North America. While Europe and Canada share many commonalities (among them being overlapping jurisdictions for labour standards), nevertheless the unions have a significantly larger presence in Europe than in Canada. In addition, Europe's (excluding the UK) policies in the job creation area are widely regarded as insufficient, and over-regulation is often pointed to as a reason for the lack of job creation in Europe. A recent Federal Reserve study indicated that "Generous worker benefits are more common in Europe than in the United States and may be a contributor to the persistently high unemployment rates in Europe... A prominent hypothesis is that the United States has created many more jobs than Europe over the last 30 years because US labour markets are more flexible" (*Federal Reserve Bank of Philadelphia, Business Review*, May/June, 1998).

The practical side of these differences can be seen in the European Council's four pillars of its labour-market policy:

- training and education;
- entrepreneurship;

- adaptability of the regulatory framework through negotiations with the various stakeholder organizations (i.e., social partners); and

- the provision of equal opportunity to all employees (i.e., non-standard workers).

While the above goals may seem to be in common with the usual objectives expressed by the Canadian officials, nevertheless the third and fourth pillars are not clearly prominent in Canada's labour standards program at this time.

International competitiveness and international human rights play a role in the labour standards regulations issues: "International labor standards have become the newest point of contention in trade disputes between industrial and developing countries. Are they necessary or are they disguised protectionism?" (Stephen S. Golub, "Are International Labor Standards Needed to Prevent Social Dumping?" *IMF Finance & Development*, December 1997, p. 20).

Overall, this review and particularly the interviews with international contacts indicated a number of key points. The most important of these appears to be that pushing labour standards in the direction of family-friendly policies and related initiatives is desirable and reflects trends among some of Canada's major trading partners. Such efforts may offset problems in the CWW, such as part-time work, and would echo initiatives under way internationally. These international variations might be worthy of an international comparative investigation of impacts.

Overall, the international review provided a useful picture of CWW issues and how other jurisdictions are attempting to deal with these. ***Importantly, these exchanges with international contacts suggested considerable interest in ongoing discussions and sharing of information. For many of these contacts, the international exchanges of views were seen as new and stimulating — an opening of a type of exchange which most of our international key informants had not previously experienced.***

These discussions point to good potential for further international exchanges on labour standards and what they should look like in the future — perhaps building these initial contacts towards a more comprehensive look at possible future initiatives, such as might unfold within a formal Delphi process.

7. *First Nations and Labour Standards*

7.1 Introduction

Background: Phase I of the Evaluation of Federal Labour Standards (HRDC, 1997) highlighted the fact that federal labour standards are poorly understood by all types of federal-sector employers, including First Nations, in Canada. That evaluation also noted that as regards First Nations the Labour Program faces cultural and other obstacles to delivery of the program. Finally, it was noted that First Nations expressed considerable interest in alternative delivery approaches for the program, for example, by First Nations themselves.

While problems of lack of understanding are typical of most federal-sector employers — with First Nations being no exception — some of these issues were seen as unique to First Nations, and the proposition was put forward that overcoming informational obstacles likely also requires unique approaches for First Nations.

Human Resources and Broader Policy Context: Human resources are of great importance to the workings of First Nations governments, as these institutions play a very substantial role in their communities. Frequently, the First Nations government is the largest employer in a community and the main source of economic activity.

As well, a number of related issues may be sensitive, including the rapidly evolving status of self-government for First Nations. Therefore, labour standards and First Nations were given particular attention in a separate substudy in Phase II of the labour standards evaluation. SPR Associates was assisted in this work by its Aboriginal affiliate, *Maang Associates* (an Aboriginal business under terms of the Government of Canada Aboriginal Business Initiative).

Purpose: This substudy of the Part III evaluation report draws together the views of a number of different types of key informants to assess issues in labour standards and First Nations. Key informants included representatives of First Nations, human-resource managers in other types of Aboriginal organizations, and LAOs who deal with First Nations. This section examines both general and specific lessons, including insights on training and procedures for LAOs in enforcement of the Code and issues of alternative delivery (originally highlighted in the Phase I evaluation).

The substudy also considers First Nations suggestions which may have broader applicability in labour standards (it was anticipated, for example, that First Nations might have culturally oriented ideas about how to simplify the Code which could have broader applicability to legislative and administrative improvements). Consideration is also given to key contextual factors, such as the economic context and the continuing emergence of self-government for First Nations.

Issues and Questions: Evaluation questions for the First Nations and labour standards substudy included the following:

- Are current federal labour standards and administration procedures appropriate for First Nations? Are LAOs fully trained and equipped to deal with the unique aspects of First Nations governments and businesses?
- Would alternative delivery methods be more appropriate for First Nations and First Nations businesses?
- Do First Nations see ways to simplify the Code and administration? Are any First Nations-type solutions adaptable to simplify the Code or administration of Part III generally?

Many of the questions to be considered are similar to those of the broader evaluation, but some are different. For example, common questions have to do with the nature of work (is CWW, for example, a common or growing phenomenon for First Nations, as it is for Canada generally?) Some supplementary questions examined included the following:

The Nature of Work in First Nations:

1. What is the nature of work in Aboriginal communities? Is it different from work in Canadian society generally? What is the incidence of NSW in Aboriginal communities? Are specialized labour standards required?
2. How did First Nations deal traditionally with topics like how work is done, rights of individuals, etc.?
3. Has the evolution of the CWW taken on a different dimension in Aboriginal communities, as compared to Canada generally? In particular, how have the following evolved — self-employment, part-time employment, dependent contractors, telecommuting, home workers, etc.?

Considerations for Labour Standards:

4. Does the cultural dimension of work in Aboriginal communities require different responses (e.g., the cultural dimension of Aboriginal organizations, such as First Nations governments and enterprises)?
5. Do First Nations see ways in which the Labour Program could better recognize the cultural needs of Aboriginal communities? What types of special training might be desirable for LAOs?
6. What priorities should labour standards stress for First Nations?

7. What future avenues do First Nations see generally for dealing with labour standards, including alternative delivery mechanisms (e.g., delivery by First Nations or Tribal Councils, etc.)?

7.2 Methodology

The study was designed to rely primarily on in-depth interviews with representatives of First Nations governments. Targets for interviews included representatives of treaty and umbrella organizations, First Nations, and emergent industries, such as the casinos and recent joint ventures established by First Nations. Altogether representatives of 12 Aboriginal organizations were interviewed. Additionally, interviews were conducted with three TAs in the Labour Program and three LAOs who work with First Nations regarding the Code.

7.3 Results of the First Nations Interviews

Interviews with First Nations suggested that many of the issues they face are similar to other federal-sector employers who must cope with labour standards (lack of information, desire for clarification in the Code). However, many First Nations representatives' views of the Code are also unique to their particular situation, including cultural issues and issues emerging from the unique economic/political context of First Nations. Results are noted in several areas below:

- **The Nature of Work, CWW, and NSW:** It was noted that there is considerable seasonal work (fishing, construction, etc.) in First Nations communities and that NSW is widespread, as is work which traditionally would not have been thought of as work at all (hunting/fishing, trapping).

  First Nations key informants noted that short-term contracts were the norm in their communities. One interviewee noted that contract work helps them hire professional skills for short periods of time, and this fluid approach is needed until their organizations are developed. Overall, of course, work is scarce to begin with in First Nations communities. In spite of this, the social structure of the workplace today may result in a more lenient employer/employee relationship, according to one Tribal Council representative.

  Others interviewed indicated that many workers held several part-time jobs or had overtime issues. NSW seems to be the norm in most communities, but with little self-employment. Self-employment — where Aboriginal people are running their own businesses — was mentioned as a "new thrust" that more First Nations are pushing towards, according to one representative.

  A relationship was noted between NSW and technology, which was seen as a path to bringing more full-time, longer term jobs to communities. Technological developments such as e-mail, Internet, and telecommuting in semi-remote communities were seen as creating both change in the community and new important opportunities.

- **First Nations and the Code:** In looking at the current federal labour standards and administration procedures, there were wide-ranging differences in opinion regarding their appropriateness for First Nations workplaces.

  Most First Nations interviewees felt that specialized labour standards are not required specifically for First Nations. However, it was noted by one representative that the inflexibility and insensitivity of the Code were seen as problems for most First Nations groups, especially regarding cultural activities and community/family needs.

  One manager expressed the view that the cultural argument regarding traditional activities sometimes can be used to achieve a more flexible interpretation of regulations. Another key informant mentioned that labour standards needed to be more sensitive to the needs of women specifically, although a different interviewee said that there was a problem of unemployed men with less education than the women in their band.

  One cultural centre representative noted that although appropriate the labour standards require more flexibility to NSW schedules (i.e., weekend work), flextime and overtime. Similarly, one representative of an Aboriginal political organization mentioned that overtime was a key issue which is difficult to administer under the current federal labour standards, as many of the organization's employees travel to remote locations, and it felt that travel time could not be counted fully as "work time." Another organization noted that budget levels sometimes prevent any payment for overtime, so time off must be looked at as an alternative.

- **Need for Simplification of the Code:** There was considerable agreement on the need to simplify the Code. According to one key informant, there is "too much legal jargon" and often the "Labour Program people do not have the answer when asked for clarification, adding the disclaimer that their interpretation may not be correct."

  Another Band administrator said that there is no need to simplify the Code or write specialized standards because most bands have developed their own human-resource policies. These policies sometimes reflect financial administrative flexibility that may be targeted to the Code, such as paying for a treatment centre for employees with drug and alcohol problems.

- **Access to Information:** Many of the organizations said that they do not have easy access to information or professional help when it comes to labour standards issues, with only a few LAOs covering a vast geographical area and phone calls re-routed to voice mail in Toronto.

  Clearer information was seen as a particular need. While those interviewed saw this as a particular need for First Nations people, especially small communities in remote areas, this concern was seen as strongly echoing the needs of all types of employers who were previously surveyed in 1997. Interviewees noted that LAOs can be helpful for clarification, but they have to be more available.

The lack of access to information was cited as a reason for uncertainty about the Code and how it applies to specific situations. One organization suggested that having workshops is important so that people can relate on a more personal level (instead of being flooded with paper). Another interviewee liked the idea of band managers taking part in "travelling workshops," where LAOs provide an orientation package to employers.

The shortage of professional human-resource managers in First Nations and the lack of professional associations or meetings for those with human-resource responsibilities were also noted as important obstacles to First Nations obtaining information.

- **Cultural Issues:** Interviewees noted that in the CWW, where long hours are often required, the labour standards should also consider culturally specific events or community events that may require a long workday or time off, such as a ceremony that may require a 20-hour work shift, an annual goose hunt requiring a leave of absence, or a death in the community that requires time off for the whole community. The Code needs to consider remote communities with unique needs, such as a remote community with weather conditions affecting air travel.

  Additionally, it was noted that some methods of dispute resolution, for example, consulting with elders, could provide alternative culturally appropriate approaches to these situations. Finally, it was suggested that aspects of Aboriginal customary law might provide complementary or simplifying approaches to Part III.

- **Economics:** Other problems in the Code may not be considered culturally specific but affect Aboriginal communities in a unique way. For organizations that rely on annual funding arrangements, for example, with Indian and Northern Affairs Canada (INAC), if the funding is not guaranteed on time, it creates a problem of layoffs and rehiring in a new position. It was noted that more predictable funding arrangements would aid in solving these problems.

  A business manager noted that the lack of a definition of "contract worker" versus "employee" caused friction between the employer and employee (regarding self-employed, payment of daily rate, and Employment Insurance and Canada Pension Plan deductions, etc.). It was suggested that the First Nations employer also needs better guidance on such matters.

- **Political Realities:** Many bands have developed their own human-resource policies which in effect set local labour standards, and at least one organization argued that these were better than the Code's standards. However, wrongful dismissal was noted as a major problem in one Band. For example, a Band Council may fire a worker "for no good reason" after a two-year work period, with this affecting the individual's career (especially a critical problem if the person is older), according to one representative.

  Discrimination in non-Aboriginal organizations against Native workers — by their non-Aboriginal *fellow workers*, not by their employers — was noted as another problem that needs to be addressed.

One Band noted that there was some lack of awareness of the labour requirements among Band managers and that in more remote locations many people were unaware of their rights and responsibilities, with a higher incidence of Code violations.

One Tribal Council representative suggested that the education of First Nations leaders, such as Band managers, in the current Code should be a priority (termination and dismissal of staff in order to appoint the Chief's supporters or to "clean house" were especially noted as a problem). Another organization, however, felt that the existing labour standards are appropriate as far as tribal councils are concerned.

- **Labour Affairs Officers:** Regarding LAOs, First Nations representatives noted that that there was a general lack of understanding of the situation of First Nations by LAOs. They commented on the need for special training for LAOs in the economics of running an Aboriginal business or organization and the types of funding available.

  LAOs (they argued) also need to understand the cultural aspects of Aboriginal enterprises, which operate differently and have different types of relationships between workers and managers, etc. As well, they need to understand other needs of Aboriginal employers, such as the need for training in human-resource practices. There was a suggestion that special training for LAOs should cover basic cultural awareness of the First Nations lifestyle and locations and that the LAOs should work more to develop relationships with First Nations they deal with.

  Another suggestion was that LAO/First Nations workshops should be held, at a regional venue, with people from remote locations attending. Another suggested that the LAOs should go to the different communities outside the urban setting and possibly live there in order to recognize the unique situations and needs of Aboriginal communities. There was also a widely held view that there should be more LAOs overall, as they can be very difficult to reach. One Tribal Council representative (from a community less remote than others) reported that the Tribal Council was very pleased to have dealt with LAOs who have had cross-cultural sensitivity training gained from hands-on experience and their own sensitivity to Aboriginal issues. They suggested that HRDC should build this kind of training into its operating strategy. They also suggested recruiting more Aboriginal LAOs (one organization was not aware of the fact that there are currently two Aboriginal LAOs in the Labour Program).

- **Alternative Delivery Methods:** Suggestions for alternative delivery methods included getting Tribal Councils and Band administrators together (or creating an Association of Band Administrators) to develop simple and clearer documents. Another organization member liked the idea of partnerships but mentioned that the partnership should be with the Aboriginal government and not with INAC. Partnering, they argued, can also reduce costs, through assembly meetings of chiefs that are already taking place and trade shows. It was noted that it would be useful for some First Nations people to develop expertise in human resources in labour standards, with knowledge of the bureaucracy and of the community.

> There was also mention of a "human resources boom" in First Nations and the need to provide First Nations with new skills in the workplace. There is a need for "community-driven training," according to one representative, to allow the people to be in control of their destiny, "rather than having outside people come in as this does not work." These needs were seen as requiring more reflection in supportive programs of all types, including labour standards.

In the same vein, several of those interviewed suggested that it would be useful to study human resources and HRM in First Nations communities and their needs for training, information, etc.

7.4 LAO Views on First Nations and the Code

Perhaps the most significant point made in our interviews with LAOs, TAs, and other Labour Program administrators regarding their work with First Nations communities was the comment by one LAO that "You have to remember that it's not the same as going into a single company or even talking to a single industry group. When you go on to First Nations land you are touching almost every part of an entire community."

According to Labour Program staff, the biggest problem of Part III Code compliance among First Nations is unjust dismissal (as noted earlier). The LAOs and TAs interviewed saw this as having a severe situational and political dimension — often making these matters very difficult to settle. One LAO pointed out that in some cases, Bands have financial problems and lack the money to settle wage-recovery claims. Another saw this as an opportunity to emphasize the point (through information sessions) that failure to comply with the Code could result in an unnecessary expense to First Nations communities.

However, one LAO echoed the feelings of First Nations communities, adding that despite the unjust-dismissal violations most Bands in his region appear to be working to standards that are higher than the Part III minimums. He felt that any lowering of standards to accommodate any perception of a special cultural need would be both unnecessary and self-defeating.

One interviewee suggested training sessions to develop skilled human-resource people in the Aboriginal communities to draw up employee policies that would reflect First Nations values, as well as meeting Code requirements. According to another LAO, many Bands have developed or are developing their own manuals on the Code but are not always following them to the letter and one LAO saw this as not so much deliberate flouting of employee's rights as "wanting to do their own thing — the way it's always been done."

Opinions varied on devolving labour standards enforcement to First Nations. Some LAOs saw it as a strictly political issue, to be decided, like the broader aspects of self-government, at the highest government levels — they felt that opinions "from the field" on the subject would carry no weight.

But all saw value in forms of partnership to develop understanding on both sides: First Nations employers would gain a thorough appreciation of their responsibilities under the Code; and LAOs, TAs, and other Code administrators would achieve a sensitivity towards cultural differences and required approaches.

As one LAO pointed out, "Clearer understanding usually leads to better compliance." He pointed to the value that First Nations place on professional education which, he said, was bound to lead to more professional management attitudes. One interviewee saw potential in having training sessions for Labour Program staff, run by *professionals among First Nations communities,* on better ways of getting the message across. And in the Atlantic region the Labour Program has agreed with INAC to create an information/education exchange: Labour Program staff will provide sessions on Part III of the Code for staff of INAC, and primarily New Brunswick LAOs and TAs will take part in INAC's conferences with Band managers and Chiefs.

It was generally agreed among the LAOs interviewed that First Nations need most guidance on Part III of the Code (one LAO attributed the greater and readier compliance with Part II to the fact that so many Tribal Councils have fire-prevention and safety professionals on staff or at least readily accessible to them). One LAO would like to see Part III training sessions for Band managers (in partnership with the Labour Program) — along the lines of the Canadian Payroll Association conferences and workshops, for example, which deal with labour law and human-resource issues and which seem to attract a large number of First Nations participants. It was also emphasized that these education/information initiatives should be tailor-made for each region and should also be sensitive to any cultural differences between First Nations. Another suggestion was to incorporate one-day seminars on various aspects on the Code in regular meetings of Aboriginal leaders in order to gain top-level acceptance and support for labour standards.

Another LAO pointed to two contentious areas of the Code which should be reviewed from a First Nations perspective: (a) Treaty Days should be included in the Code as general holidays; and (b) Vacation pay for teachers should be given consideration, possibly with some reference to provincial standards. The Code stipulates two weeks' vacation leave or 4 percent of wages upon termination, but a First Nation's teacher on a continuous contract will not receive pay for two months during the July-August break, even though he/she is still an employee. So it is not clear how the provision is met.

These observations suggest that further concerns will emerge from any continuing look at labour standards in First Nations. This could therefore become a priority for the Labour Program. In this same vein, as was noted in the discussions, at a number of points First Nations reported they were frustrated by what they saw as rigidity of the Code — in areas where alternative approaches may have dealt with some of these problems in other sectors. An instance would be the treatment of hours of work for salespersons in broadcasting, where hours of work are not actually recorded. Such a procedure might provide a model in accordance with First Nation's desire for more flexible treatment of hours of work and compensation for their political and travelling staff.

For the most part, LAOs go to First Nation's lands only by invitation. When, for example, an unjust-dismissal complaint is received, it is dealt with by correspondence, usually with the Band's lawyer, who is normally brought in immediately. One LAO outlined a continuing communications process in which she sends letters to Band managers, offering services for seminars and individual counselling on reserve to payroll people and managers handling human resources. This was reported to have proved very effective over the years in gaining entry to reserves and in developing more responsive relationships with managers.

7.5 Conclusions

Findings of the First Nations component of the evaluation point out the following:

- First Nations representatives see the *inflexibility of the Code* as more an obstacle to developing their organizations than a protection for workers, arguing that flexibility benefits both employers and employees;

- They argue that there is a need for more staff development and training for LAOs in matters of cultural sensitivity and understanding of First Nations generally. In this same vein, they also argue that there is a need for more understanding of the unique economic and other features of First Nations. One other culturally significant potential avenue noted which they feel would be alternative dispute resolution techniques, such as involvement of customary law or use of elders;

- The need for information is noted by First Nations representatives as extensive, echoing the views of employers generally (Phase I of the evaluation, 1997), but they also ask for more culturally appropriate materials, for example, brochures in a format directed at First Nations and their unique concerns;

- First Nations representatives noted that social/political realities may need to be better reconciled with the Code, a case in point being employment terminations following the election of a new Chief. It was suggested that some of these issues may find their source in the *Indian Act* and practices which it reinforces; and

- First Nations representatives expressed interest in discussing the development of alternative delivery methods — where they would assume increased delivery responsibilities — mainly because of the relevance to First Nations self-government. Such mechanisms could echo the transfer of other service delivery to First Nations in areas such as health care and training and housing.

In summary, labour standards are an important issue for First Nations. As well, the Labour Program itself has needs which should be met to allow better service to First Nations. Labour standards are potentially part of the growing effort by First Nations to institutionalize new programs they deliver, which they consider to require well-developed human-resource policies, all of which could be better harmonized with the Code.

These findings imply that, to deal with some of the types of issues noted, a joint working group effort could be initiated, perhaps within a single region at first, to assess issues and remedies in the areas of types of information distribution, training for LAOs, and cultural orientation. Alternatively, these findings suggest that it could be desirable to add First Nation's representatives to the Labour Program's existing consultation group.

8. Occupational Safety and Health (OSH)

8.1 Overview on OSH Issues and the Evaluation

Issues: This section of the report assesses the potential for deriving useful linkups between Part II (OSH) and Part III of the Code, and the topic of a future evaluation of Part II more generally.

Background: The 1997 evaluation of Part III (Phase I of this work) identified two key issues in Part II/Part III linkups. One was the fact that the evaluation evidence suggested that the spiralling workload of Part III had, over the past several years, drawn significant resources away from Part II work.[31]

A second OSH-linkup issue emerging from the Phase I work was the question as to whether in operations and enforcement there would be value in cross-linking Part II and Part III data systematically. A particular focus was to determine if efficiencies in enforcement and compliance could be obtained by using data on non-compliance in each program to better target enforcement efforts in the other. As well, it was noted that some provisions of Part III, for example regulations on maximum hours, may have OSH implications, such as where long hours on the road may be a safety issue in trucking.

An additional issue emerging at the start of this evaluation was the question as to whether the OSH program itself was in need of evaluation. Several concerns fuelled this question. First, as noted, resources for OSH (as measured by inspections) have fallen greatly in recent years. Additionally, a review of accident statistics in the early 1990s (1990-95) raised questions as to whether the program had achieved sufficient progress in this area. These issues have severe cost implications, the cost of workplace injuries for all of Canada having been some $5 billion for Workers' Compensation Board (WCB) costs, and an estimated $9.9 billion in lost productivity in 1995.[32]

Since then this work has progressed, and an additional concern is seen in survey results indicating high worker and employer concerns with OSH.

---

[31] Administrative data indicate that there has been a noteworthy shift in human resources from Part II activities to Part III over the last five years. While Part III activities occupied about 39 percent of the total time spent on LAO assignments in 1992, this proportion increased to about 49 percent in 1996-97. This increase in Part III activities is largely attributable to the growth of the reactive function (investigation of complaints) of labour standards activities, which has absorbed a larger share of total resources in recent years. Statistics provided by the Labour Program (unpublished).

[32] Occupational Injuries and their cost in Canada. 1991-95. HRD Canada. 1996, page 11.

It should be noted that another significant issue potentially for Part II is that its population coverage is greater. Part II covers the federal public service, in addition to federally regulated employers, but Part III does not cover the federal public service.

8.2 Methods

The substudy for this section was designed to rely mainly on the views of LAOs and related staff. Interviews were conducted with three LAOs and three TAs. As well, a meeting was held with the Director of the Part II program at the start of the study, and a number of discussions were held with other Part II staff.

Additionally, key documents, such as recent reports and OSH statistics, were examined. Finally, some insights have been derived from collateral data sources, such as the evaluation's surveys of employers and workers, which examined attitudes as regards OSH needs (satisfaction and priorities for changes) within federally regulated workplaces.

8.3 Results

Part III/Part II Linkups: All LAOs may be required to deliver Parts II and III of the Code, and the evaluators found a significant proportion of LAOs who regularly covered both parts in their day-to-day operations. For these LAOs, the significance of a linkup between the two parts was clear.

None of the LAOs interviewed questioned the practice of delivering both Part II and Part III. However, some said it was sometimes counterproductive to "wear two hats *at the very same time*" — with one exception. Those who worked with the trucking industry said the linkup was perfectly logical. This was largely because trucking violations under Part III, in regard to driving hours, also created a potential OSH hazard to the worker (as well as a safety hazard to the general public). As one LAO remarked, "The employee runs out of driving hours but keeps right on driving." Another said "This industry doesn't seem to believe in overtime pay, so there's no incentive to limit the driver's hours." A third LAO emphasized that the right to refuse unsafe work in these circumstances should be enshrined in the Code.

There was also a perceived link on the subject of work-related illness. Part III requires employees to be covered either by WCB or by private insurance programs. One LAO felt that this should also be a requirement of Part II.

However, there was a current of opinion among LAOs that trying to cover both parts of the Code in one visit to an organization would be considered overkill by many employers and would diminish the intended effect/authority of the counselling/inspection.

Use of Part III/Part II Linkups to Identify "Systematically Non-Compliant Employers": There was a consensus among the LAOs interviewed that in many cases, poor compliance under one part of the Code is reflected in poor compliance under the other part. But it was noted that this may not always be deliberate — one LAO noted that an employer who is a poor business person in one operating area will probably be poor in other areas too — with poor compliance in many areas being the result.

However, some LAOs cautioned against using this as a rule of thumb to cross-reference one set of records with another. Much, they argued, may depend on the nature of the company or industrial sector. One interviewee noted that some office-type companies may be poor record keepers and extremely casual about such issues as overtime and vacation pay but have very few potential OSH hazards in their workplaces. Another observed that management attitude certainly plays a part among good compliers (with the added comment that if an employer really wants to comply, legislation is actually unnecessary) and that a conspicuous management attitude and performance in one area would lead the LAO to expect similar approaches in another.

Another LAO noted that he had frequently found that the presence of a reasonably strong union in an organization had a positive effect on management's compliance under both parts of the Code, but particularly on employees' attitudes towards safe working practices.

Yet another said that workplace OSH "makes better business sense" than Part III standards to some employers because it is seen as a means of loss control and risk management; it avoids unnecessary costs, leading to a more efficient, more profitable operation, while Part III "just deals with benefits, paying out money to employees." Part II requirements are also much better promoted and more conspicuous, he added.

LAOs were of the view that the Part II/Part III predictive connection did exist, suggesting that a detailed test should be undertaken of the predictive potential of identifying non-compliers more efficiently by linking Part II and Part III LOIS data.

OSH Performance Trends Under Part II: Comparative federal and provincial statistics for recent years suggest that OSH performance under Part II of the Code is showing slower improvement than that in provincial jurisdictions.[33] It was not possible to corroborate this in interviews with LAOs alone, however, which points to a possible need for a detailed study which would assess the pattern of changes in recent years.

LAO and TA opinions on Part II performance trends varied from region to region and from extremely negative assessments to ratings of reasonably acceptable the latter view possibly stems from the fact that OSH record-keeping practices and terminology vary from jurisdiction to jurisdiction, and therefore one is always at risk of "comparing apples with oranges". *Nevertheless, concern was expressed that OSH performance is actually declining in some regions — and "especially among federal government staff," to quote one interviewee. Another pointed to long-haul trucking as one sector showing serious decline in OSH performance, which was blamed on intense competition among the Canadian, United States, and Mexican industries and on the lack of regular inspection of vehicles, "at least 25 percent of which shouldn't be on the road," as one LAO noted.*

One interviewee suggested that any favourable comparison of provincial performance might well be because "the provinces put more resources into it." For example, it was noted that, the provinces tend to have personnel on staff who are technical specialists in OSH to complement their personnel who are legal specialists. This interviewee claimed that this balance was lacking in the federal Labour Program and that, in its downsizing, the program had "lost valuable expertise." In one region, it was claimed that spending cuts had reduced office administrative staff by 25 percent but cut field staff by 75 percent. This was noted as a potential issue for any Part II evaluation which might be undertaken.

---

[33] These indications were drawn from Evaluation of the Occupational Safety and Health Program, Labour Canada, June 1990; and Occupational Injuries and their cost in Canada, 1991-95, HRD Canada, 1996

Some Findings Regarding Future Possibilities: There was a need expressed in the interviews to be more systematic in the enforcement of Part II standards. An approach of focusing on specific industries/occupations with particular potential and recorded problems and on individual companies within those industries/occupations was favoured by several interviewees.

Another recommended a systematic *study of LOIS data* and a methodical check of larger companies to determine what violations occurred under each part of the Code, using this information as the basis for a strong, concerted promotional campaign. In this regard, some LAOs were doubtful of the value of comparing their own regional data with provincial OSH data.

One LAO felt there was a need for higher standards in the *training* of LAOs, combined with stiffer requirements for experience and expertise among candidates for these positions. This might suggest a need for upward adjustment in salary levels to reflect higher skills. Several other LAOs expressed the need to be more proactive in their work and to direct more effort towards prevention, rather than mainly responding to complaints and identified violations. There was general concern about the "gap between action and proaction" and the fact that prosecution procedures could take up to two years.

Most interviewees endorsed the current alternative to relentless pursuit of prosecution, i.e., the process of assurance of *assurance voluntary compliance* (AVC), which relies on the discretion of the LAO to use the regulations as a means of guidance. The LAO documents violations identified in the offending employer's workplace, points out the Code requirements, and obtains the employer's signature of agreement. According to one LAO, through this process — complemented by counselling — "the aim is to get employers to understand how to protect *themselves* under the Code."

Use of voluntary compliance is consistent with what is generally known in OSH circles as the *internal responsibility system*, which is generally fundamental to OSH approaches throughout Canada, in conjunction with mandatory joint management/worker health and safety committees in the workplace. However, some union representatives who were interviewed (in the course of which the possibility of Part II and III linkups was raised) were skeptical of the long-term effectiveness of the AVC process. They pointed to comments by Justice K. Peter Richard (Commissioner under the Nova Scotia *Public Inquiries Act*) in his 1996 *Report of the Westray Mine Public Inquiry* that the "fundamental and basic responsibility for the safe operation... of any industrial undertaking rests clearly with management. The internal responsibility system merely articulates this responsibility and places it in context." These concerns would suggest that the effectiveness of the internal responsibility system would be an issue in any evaluation of Part II.

Value and Possible Scope for an Evaluation of Part II: There was significant agreement among those interviewed that a formal evaluation of Part II of the Code would be valuable in answering a number of important questions which LAOs raised. For example:

- What impact is the growth of NSW having on enforcement of Part II of the Code?
- Are Part II standards reflecting and responding fully to the needs of federally regulated workplaces?
- Are current methods of ensuring compliance with Part II responding to those needs?
- What are the operational problems which LAOs need assistance with in Part II?
- Are there similar issues in each part that might suggest or benefit from similar or complementary regulation and/or approaches?
- Is the current approach to the administration of Part II more conducive to identifying violations and non-compliers than to prevention of safety and health hazards in the workplace?

8.4 Summary of OSH Issues

Findings of this component of the evaluation point out the following:

- **Part II/Part III linkups** appear to be fairly common practice among LAOs, who seem to be comfortable in their dual roles of delivering Parts II and III of the Labour Program; the reality and importance of this link was also demonstrated in the Phase I evaluation, where evidence was presented suggesting that Part III complaints had had the impact of reducing Part II work over a number of years.

  Generally, a variety of evidence suggests that an enforcement-oriented linkup between the Part II and the Part III data sets might be a useful method for identifying chronic non-compliers in each program, depending on the specific company's industrial sector. Such a linkup is seen as potentially introducing efficiencies and also as facilitating a stronger enforcement role where required (e.g., if a poor performance in one area such as OSH, brings additional pressure on non-compliant employers through labour standards-related inspections).

  Existing data suggests that a detailed test of this hypothesis would be needed, however, and could be undertaken, for example, with LOIS data as a key source. In such an analysis, component data and violations data for both parts could ideally be linked to injury and compensation costs.

- **Evaluating Part II:** Initial information examined here suggests that the improved performance trend for injuries under Part II in the federal sector may be slower than that of provincially regulated sectors. If this finding is validated through a detailed analysis, it would point to important issues in the infrastructure industries under the federal sector and potentially important cost issues. *Very significant costs*[34] *for injuries would be occurring which could be reduced. This possibility gains in importance when we note that (unlike Part III), Part II covers the federal public service, in addition to federally regulated employers.*

Thus, overall, considering issues of Part II/Part III linkup, costs of injuries and workers compensation, and operational issues, the assessment here points to value in considering a formal and comprehensive evaluation of Part II.

---

[34] These costs were noted in Section 8.1 as perhaps being about $15 billion for all of Canada. By extrapolation, these costs could be millions of dollars for the federally regulated sector and additional hundreds of millions of dollars for the federal public service.

9. Education, Enforcement, and Compliance

9.1 Background: The 1997 Evaluation

The report on the 1997 evaluation of labour standards (Phase I of this evaluation) highlighted the lack of compliance of federally regulated employers with Part III labour standards as a major program issue.

The report emphasized that compliance with the Code was very poor in a number of areas; non-compliance was highly correlated with lack of information about the Code and employers' obligations; many non-compliant employers were repeat offenders year after year; and run-away non-compliance (and the spiral of complaints from employees) needed to be turned around to allow efficient and fully effective management of the program.

The evaluation report concluded that obtaining compliance was a major program concern and that two different types of employers might require different types of enforcement: those who were non-compliant due to lack of awareness and those who were non-compliant in a persistent manner (recidivists, "bad actors," etc.).

To aid understanding of these issues and related considerations, this portion of the report examines lessons in enforcement as seen in other federal departments and agencies. The objective was to test the 1997 evaluation conclusion, which placed priority on two strategies: (1) an education/information effort; and (2) a more "big stick" approach to enforcement with willfully non-compliant employers. To this end, this section of the evaluation examines a range of potential strategies such as experiments with information to improve enforcement of the Code, employer education, and information dissemination generally.

9.2 Method

To obtain broader perspective on what works in compliance and regulation, key informant interviews were held with seven officials from a number of departments and agencies involved in regulatory programs. These included Treasury Board Secretariat (TBS), Health Canada (Health Protection Branch), INAC, Revenue Canada, Atomic Energy Control Board (AECB), and HRDC (Labour Program, Occupational Safety and Health, Employment Insurance).

These departments and agencies were chosen for study primarily because of their roles in enforcing various types of legislative and regulatory requirements and also because some of them participated in a previous roundtable on enforcement/compliance practices which HRDC convened in summer, 1997. These key informant interviews examined the types of compliance the respective departments and agencies required, the techniques they used to obtain compliance (education, information, inspections), and so on.

9.3 How Federal Departments/Agencies Approach Compliance

Types of Compliance Sought: In comparing the approaches to compliance employed by various federal departments and agencies, it is useful to note their different target audiences and the varying types of legislation, programs, and regulations with which they seek compliance. The various departments contacted suggested a range of practices:

- *TBS* seeks compliance to policies and guidelines for the use of public money in the design and operation of programs by the many departments and agencies of the federal government.

- *Revenue Canada* deals with the entire population of Canada (individuals and corporations alike) in its role as the federal government's ultimate collector of income, sales and excise taxes, and customs duties. This role requires contact with a widely varied group of clients: employers, wage and salary earners, manufacturers, retailers and independent contractors, and cross-border/overseas travellers (enforcing compliance with tax laws is critical to government revenue).

- The *AECB* has a mandate to regulate Canada's nuclear industry, to ensure safe and secure practices in the operation of nuclear power plants and research reactors, the commercial and medical use and application of radioisotopes, and so on. AECB's role is to set, and ensure compliance with, standards for approximately 4,000 licensees throughout Canada. Public-safety issues are significant for these programs.

- *INAC* seeks compliance in guidelines for the use of the federal funds it provides to First Nations Bands and organizations for capital expenditures, social assistance, and education. Compliance is a sensitive issue because of large budgets and the need to enhance self-government.

- The *Office of Tobacco Control* (OTC), within the Health Protection Branch of *Health Canada*, seeks compliance with the federal Tobacco Act, which prohibits the sale of tobacco products to persons under the age of 18. The Act also governs the manufacture, labelling, and promotion of tobacco products.

- The *OSH and Prevention Division of HRDC's Labour Program* has responsibility for safe, healthy working conditions and practices in all federally regulated workplaces. It therefore seeks compliance from the employers and employees in those workplaces with numerous, often highly technical regulations dealing with such matters as safety, dangerous substances, etc.

- HRDC's *Employment Insurance Control Branch* is responsible for detecting and deterring fraud and abuse in the operations of the Employment Insurance benefits program. The program is based on the honour system, with employees and employers providing the information on which entitlement to, and payment of, benefits are determined. The branch seeks compliance from both groups and employs a variety of methods to detect and prevent abuses. This is claimed to result in demonstrable savings of many millions of dollars each year.

Interviews with representatives of these departments and agencies revealed a variety of approaches to obtaining compliance. As well, a number of underlying themes emerged as to what can be done to improve compliance with government programs. The following key results were noted.

How Compliance is Currently Obtained by the Departments and Agencies Interviewed: Various approaches were identified, including audits and inspections, education and promotion, enforcement through penalties and prosecution, and methods of obtaining voluntary compliance.

Revenue Canada: By means of readily obtainable printed material and accessible information services, Revenue Canada provides understandable information on its clients' obligations and rights under the tax laws. It also provides seminars and workshops for employer and accountant groups. A significant aspect of its compliance process is its allowance for self-assessments wherever possible. According to this department's key informant, although enforcement has a role to play in obtaining compliance, the use of education and promotion is also important: "Providing timely, comprehensive, and straightforward information which grabs attention can be extremely effective with the bulk of any target audience." The strategy covers information sessions, pamphlets, tax audits, and tax investigations. The weights given to different parts of the strategy should be calibrated to the specific risks which would change over time.

AECB: A comprehensive system involving inspection and assessment activities assures consideration of relicensing within the period of the current licence (up to two years). The AECB's inspection activities play a key role in that licensing determination and in whether to take other actions, such as to enforce licence conditions in certain circumstances.

A major corporate review of the AECB's activities in compliance inspection, enforcement, and related follow-up took place in 1997. According to a key agency informant, this review of AECB's management framework and program performance arrived at a series of findings, all deriving from a root cause of inconsistency among AECB inspectors and other staff and managers in their conduct of this regulatory function. It also found that other factors, such as lack of a fully operational corporate compliance inspection policy or regulatory strategy, a lack of a clear training focus in compliance inspection, and some lack of clarity in roles of different levels, plus a lack of consistent and effective feedback measures on AECB's performance in these functions, were all impediments to success. The review did applaud the use of a differentiated approach, ranging between promotion, inspection, and enforcement, where such an approach was found. For example, in the relatively high-exposure risk area of industrial radiography, AECB inspectors employ an effective range of tools, from educational approaches, to surprise inspections, to enforcement, where warranted.

The current legislative framework is reportedly not conducive to ready compliance through threat of prosecution because that process is time-consuming and costly, and current legislative penalties are too low. However, a new Act being developed would provide for higher penalties that should make the enforcement route a more cost-effective option where appropriate. Meanwhile, the key informant said, AECB's field inspection staff apply a mix of promotion, verification, and enforcement for each particular operation.

INAC: First Nations bands and organizations are subject to audits by INAC. Penalties for misuse of funds usually take the form of a deduction from the next funding payment. However, according to this key informant, the department's general approach to obtaining compliance is to promote the concept to clients at the local level that "it's your money," to be used responsibly to create and maintain employment, and that social assistance (for example) should be viewed as a last resort, rather than as a right. The aim is to demonstrate the benefits to be derived from the prudent use of the money and how to get the most value for their dollars. Department personnel also assist in effective performance measurement. This "bottom-up" educational approach is proving effective, according to the INAC key informant.

TBS: The traditional approach to obtaining compliance which was employed in the past by TBS involved direct control through the monitoring of individual transactions in federal departments and agencies. This, however, proved to be increasingly resource intensive, according to the TBS key informant. The federal government has recently accepted the recommendation from the independent review panel to modernize the government's comptrollership through fundamental changes that involve an increased focus on results, accountability, and risk management. As a result, the current trend at TBS is towards a "Management Board" approach. This approach relies on the increased capacity of TBS to provide guidance and leadership on performance reporting and on the acceptance of increased responsibility from departmental management to implement self-monitoring and control measures and to report on financial and non-financial performance. The key informant referred to this as a "buy-in" approach, where departments and agencies are required to understand the benefits of compliance and the potential consequences of non-compliance.

Health Canada's OTC operates under the Health Protection Branch's 1998 *Compliance and Enforcement Policy,* an umbrella policy covering a wide range of products, substances, and activities that the branch regulates to maintain and enhance the health and safety of Canadians. The stated role is to encourage and facilitate compliance and to monitor and respond to non-compliance. To fulfil this role, OTC makes use of compliance checks, employing under-age test shoppers, who attempt to buy cigarettes, etc., from retailers who are suspected of contravening the Act. It also responds to complaints and tips with on-the-spot inspections and investigations. OTC has found it highly cost-effective to work in partnership with provincial inspectors where there is applicable provincial legislation; OTC provides information on flagrant offenders, and the provincial officials issue summonses under relevant provincial legislation. This enables the federal agency to avoid duplication and cover a wider territory. OTC "prefers monitoring and auditing to policing," according to the Health Canada interviewee, and prefers to obtain voluntary compliance through education and information activities.

This approach works better with retail chains, he said, since many of them have their own in-house training programs to ensure that their employees obey the law. Small retailers respond to a more personal approach, such as visits by OTC inspectors who explain the legislation. The current retail compliance program began in 1994.

The key informant from OTC claimed an increase in retailer compliance from 43 percent in 1995 to 67 percent in 1998. OTC's regulatory program also involves monitoring tobacco-product promotions, the reporting of data by manufacturers and importers, as well as restrictions to access to tobacco products (e.g., dispensing devices, self-service displays, etc.).

The Employment Insurance benefits program is based on the premise that the information provided to HRDC by employers (regarding termination of employment) and especially the information supplied by employees (regarding lack of employment earnings, etc.) is accurate and comprehensive. To be entitled to benefits the claimant must not be self-employed or living outside Canada. The role of the *Employment Insurance Control Branch* is to detect any such abuse of the program and to apply deterrent measures to prevent it.

Detection methods include exchanging information with other federal departments on a case-by-case basis (e.g., Revenue Canada, regarding tax evasion) and matching data from Employment Insurance files with other files (e.g., Record of Employment, regarding termination of employment). The branch also responds to third party complaints and tips. According to the Employment Insurance key informant, the branch acts upon about 5,000 fraud-related tips each year, and through these various methods of detection it recovers approximately $200 million annually from benefit overpayments.

Deterrents include publicity, education, and information programs — which have been extremely effective in increasing voluntary compliance — and the administrative penalties themselves. For example, an offender might have to work an extra 75 percent of the required qualification period the next time he/she applies for benefits; and there are heavy financial penalties for recidivism.

The Employment Insurance Control Branch emphasizes the importance of measuring the financial impacts of its activities by establishing benchmarks of percentage compliance before and after the launching of a concerted prevention program. Using this method, the Employment Insurance representative reckoned that a budgeted outlay of, say, $5 million for a comprehensive strategy could probably show a return of $50 million in program savings.

The OSH and Fire Prevention Division of HRDC's Labour Program administers Part II of the *Canada Labour Code*, which has as its objective the promotion and maintenance of safe, healthy working conditions and practices in all federally regulated workplaces. The

Labour Program therefore seeks compliance from employers and employees in those workplaces in fulfilling their obligations and responsibilities, as set out in this part of the Code.

Shared Internal Responsibility: Part II of the Code encourages the responsibility for safe, healthy working conditions and practices within the workplace to be shared jointly by employers and employees. To achieve this, it prescribes the establishment of management/worker safety and health committees in workplaces of 20 or more employees and the appointment of safety and health representatives (trade-union- or employee-selected and appointed by the employer) in workplaces with fewer employees. Through these committees/representatives, employers and employees are responsible for working together to identify job-related safety and health problems and to find solutions.

To encourage and monitor compliance with the Code, the OSH Labour Program uses a variety of approaches, including such activities as consultation with employer and employee representatives on the development and revision of regulations; public information on the Code's content and application; and counselling, inspections, investigations of accidents, etc., and comprehensive OSH audits by safety officers.

In cases of non-compliance the safety officers either make use of AVCs or issue Directions. An AVC is an employer's or employee's written *commitment* to the safety officer to correct a particular infraction within a specified time. A Direction is a written notice *directing* the employer or employee to correct the infraction within a specified time. The safety officer issues a Direction wherever a dangerous condition exists in the workplace or whenever an AVC cannot be obtained or has not been fulfilled. The key informant from HRDC's Labour Program pointed out that these alternative responses allow safety officers to deal appropriately and more effectively with each instance of non-compliance. Serious infractions and continuing failure to comply can lead to prosecution under the Code.

Apart from workplace inspections in direct response to accidents or complaints, safety officers base their activities on safety and health profiles of individual workplaces, taking into account the employer's compliance record and accident history and hazards common to the industry. The OHS and Fire Prevention Division also has access to a mix of federal and provincial statistics, including WCB records and LOIS data to identify organizations that require closer monitoring.

Pilot Projects: Pilot projects and detailed research on enforcement issues were rare, but apparently growing. *INAC's* key informant pointed to a pilot evaluation of the department's "it's your money" approach, which has just begun in the Atlantic region. This is an evaluation of a social-assistance compliance program, which makes use of local independent auditing firms, as well as INAC staff, to review records and provide reports to the First Nations organizations, as well as to the Department. The emphasis is on a co-operative and conciliatory approach, reflecting the culturally sensitive manner which this key informant notes as an essential ingredient in the Department's compliance strategies.

Following the Independent Panel Review report, TBS has organized a task force looking at ways to implement its "buy-in" approach in an effective way. Consensus seems to be that a *flexible* approach, rather than a single policy, is required in order to recognize the special circumstances of each client. The flexible approach would take into account that the basic principle of firmer control is applied when there is mounting evidence of deliberate non-compliant behaviour.

Future Enforcement/Educational Efforts: Key informants generally agreed that there would be significant value in having various federal departments and agencies pool their experiences in the area of regulatory and policy compliance, since there seems to be many commonalties to the process, although the target audiences and requirements differ.

For example, the INAC key informant said he had found HRDC's 1997 interdepartmental roundtable on enforcement and compliance very informative. Together with the Revenue Canada representative, he recommended sharing experiences with *provincial agencies* as well. They said that valuable lessons might be learned, for example, from examining compliance reviews of the social-assistance program of Ontario's Ministry of Community and Social Affairs.

It was also noted that there needs to be *consistency*, not just among departments, but *within* departments as well. The former Revenue Canada key informant said that while it may be difficult, for policy reasons, to create a single strategy for an entire department, it would be useful to "compare notes" with other programs and branches. For example, within HRDC the Labour Program might find useful ideas in the way Income Security Programs (ISP) and Employment Insurance approach client compliance.

HRDC's Part II key informant also suggested that since all these requirements for compliance are enshrined in legislation, there could be value in the Department of Justice defining standard terminology for the various clients and target audiences which all federal departments could use.

Complementary Approaches: It was emphasized by several interviewees that the regulator must be prepared to supply the *expertise* required to deal with problem issues and that ready response to requests for assistance and clarification is essential. The OSH key informant from HRDC added the view that the effectiveness of compliance activities is greatly enhanced by a safety officer's familiarity with, and understanding of, the specific industry being monitored.

The AECB key informant noted that when his agency held education workshops (e.g., on the safe, secure use of radioisotopes) in universities and hospitals, they helped to develop closer consultation and dialogue with these groups and that it was "money well spent."

Pooling information and experiences among departments and agencies "cannot help but be beneficial," the Employment Insurance representative said, but it should bring together the program administrators from the various departments/agencies to exchange experiences. He recommended informal sessions to examine and discuss the most effective strategies.

9.4 Conclusions on Education/Enforcement/Compliance

Findings: Those who were consulted suggested the following:

Federal Officials' Perspectives:

- Various federal representatives described a wide range of client attitudes which influence compliance — from lack of awareness to disregard when compliance was a problem;
- In all cases, however, an education/information approach was considered the most effective strategy, with heavy-handed enforcement/prosecution to be used as a last resort only;
- It was also reported that there is a belief that interdepartmental experiences with compliance are worth sharing and that it was important to endeavour to remove inconsistencies within departments and to create a consistent compliance framework within the federal government; and
- Other than the INAC evaluation of social-assistance compliance in the Atlantic region and certain background research at Treasury Board, little systematic experimentation or research in enforcement/compliance was identified in interviews.

Other views: Compliance issues were also examined in other interviews (outside of the federal agencies) for the evaluation. Key findings echoed those from federal agencies:

- Education of employers (systematic programs of information to ensure that employers are kept aware of regulatory requirements), rather than enforcement, is a strategy that seems to be found in approaches by all provincial, United States, and international governments; and
- There is a belief among international agencies involved in labour standards that as NSW increases, governments should develop and distribute "survival kits" for non-standard workers, particularly those who are working in NSW situations involuntarily, again, with an emphasis on an informational strategy, but this time towards workers.

Considerations: Two results stand out: *first*, the results allow one to consider certain changes to the compliance strategy as set out for the Labour Program, specifically through cost-saving efforts in the areas of education, the pooling of experiences, flexible policies, and ready response to requests for clarification; *secondly*, these results reaffirm the potential for certain conclusions drawn in the 1997 evaluation regarding the value of increased information and education.

These results underline the potential value of an effort to formally assess the impact of both stronger education and stronger enforcement strategies. These issues will be considered below, in Section 11.3, in our discussion of a possible Phase III evaluation or similar research activities.

10. Summary of Findings and Their Implications For Part III of the Canada Labour Code

This section focuses on the themes followed throughout the evaluation and summarizes the general findings based on the information reported in the previous nine sections. As well, this section of the report draws together overall implications for Part III of the Code, using information and ideas suggested from various sources in the previous sections. The thematic approach that has been followed generally is widened somewhat here to take into consideration several of the broader concerns of the evaluation study.

The wide-ranging approach followed in this assessment has generated a number of useful analyses and ideas for the Code. A lot has been learned about the CWW, its challenges for governments, and the interface with labour standards and the Code.

10.1 Issues Related to Balancing Work and Family

In some ways the issue of balancing work and family is at the heart of the CWW issues and the challenges created for the Code. The literature review and our stakeholder interviews provided a fairly clear picture of change in Canada's labour market and the resulting challenges. Changes in practices and priorities are going on virtually everywhere. The CWW and related NSW changes have made it more difficult for both workers and employers in many areas. However, the social strains on family and personal life seem paramount.

In particular, the trend towards NSW has been accompanied by an apparent increase in the level of job insecurity, income insecurity, and stress. The extent of willingness of employers to shift toward more flexible hours for employees helps to alleviate some of these problems and concerns, but the incidence of flexible hours — which meet worker needs, as well as those of employers — is still relatively small. Moreover, for workers, flexible hours have not necessarily improved their ability to manage home and work relationships. Far too often, the evaluation data suggest that flexibility for the employer does not necessarily mean flexibility for the worker.

There is also little question that the incidence of *long hours of work* is increasing in Canadian workplaces. This phenomenon is particularly noticeable in the industries covered under the federal jurisdiction. It is clear that workers, as well as many employers, are concerned about the effect of long hours of work on families and that workers desire more flexibility in dealing with work hours. In particular, workers seem attracted to the notion of time off in lieu of overtime pay, a practice which many firms appear to support.

The evaluation also suggests that federally regulated workers may have greater difficulty than their provincially regulated counterparts in managing the balance between home and work. Part of the explanation is that federally regulated workers work longer hours and are more likely to work irregular or unusual hours than other workers (e.g., travel away from home) due to industry requirements. In addition, workers under the federal jurisdiction seem to have less control than other workers in setting their own work schedules and appear to have a higher incidence of on-call, irregular hours of work.

Family life appears to be closely linked with quality of work and productivity. Thus, from the perspective of *work productivity*, many workers believe that long hours of work not only impact on family life but also affect their productivity on the job. A high proportion of workers also see their work arrangements as a hindrance to fulfilling family responsibilities.

Workers also see their working-time arrangements as limiting their access to leisure time and their ability to participate in the broader community. For example, within the federal jurisdiction, 31 percent of federal-sector workers reported *overall work demands* (long hours) as the most common obstacle to the quality of family life; 19 percent of the workers surveyed observed that their job schedules were incompatible with family needs; and a significant number of workers indicated that their jobs did not provide sufficient time to address the needs of sick children and parents.

Employers accepted that employee work interferes with the family and personal lives of their workers. Overall, a substantial minority of federal-sector employers (41 percent) reported that they were aware of situations where work was in conflict with family life. Not surprisingly, employers were more concerned about negative impacts on work. Many employers have relevant family-support policies (time off for emergencies, etc.), but only an extremely low percentage of the employers (3.5 percent) have undertaken an assessment of the impact of work on the family lives of their workers.

For that matter, the issue of how workers' family needs affect employers is virtually unexplored in our data. Employers perceive many conflicts, but the extent of negative impacts is not known. A recent United States study has articulated these effects, however, and could be a model for further Canadian research.[35]

Federally regulated employers and workers were found by the evaluation to be interested in considering time off in lieu of overtime and/or more flextime and job sharing. Indeed, time off in lieu of overtime was endorsed as a desirable workplace change by majorities of both workers (61 percent) and employers (58 percent) surveyed.

---

[35] However, a recent Statistics Canada article notes feedback effects which could generate either a positive or a negative productivity impact on firms. An article in Statistics Canada's *Perspectives* (Volume 10, No. 1 Spring 1998) emphasized that absences due to illness or disabilities appears to be on a rise, and consequently concludes that the effect of stress is increased absences and consequent costs to employers. "They have inched up from 6 days per full time employee in 1993 to 6.2 days in 1997. The ageing of the workforce may be one factor. Increased availability of paid sick leave entitlements (if this is true) may be another. And, as many believe growing stress in the workplace as a result of corporate restructuring and downsizing may be having an effect" (p. 24).

This strong support for the time off alternative put it front and centre in our examination of workplace practices which could ease the chronic overtime problem (alternative approaches such as providing workers the right to refuse overtime, previously identified as a policy alternative by HRDC's Advisory Group on Working Time and the Distribution of Work (1994)) were also strongly supported by workers, but less so (supported by 44 percent of workers) and endorsed by only 24 percent of employers as a desirable workplace change. ***The convergence of worker and employer views on the "time off in lieu" strategy suggests some new possibilities of improving the Code.***

These findings indicate that positively improving the quality of the workforce may both improve the quality of family life and the productivity of businesses. This suggests that policies aiding these directions may be of benefit to Canada and thus a useful area for developing future labour standards.

10.2 Issues Related to Worker Security/Insecurity

There is little doubt that many Canadian workers today feel quite insecure in their working arrangements. This direction was not only verified through our surveys but also appeared as a consistent theme in stakeholder interviews and in the literature.

Worker insecurity centres around a number of economic issues — job insecurity, the erosion of real earnings, the new modes of work, and the increased sense of insecurity associated with constant change and the need to adapt. Considerable insecurity also surrounds the issue of worker benefits.

As well, NSW and self-employment continue to grow faster than traditional, full-time jobs. There is a sense emerging that with employers unwilling or unable to provide for non-traditional employed workers, governments could become more heavily involved in this area. As such, there is a possible interface with labour standards in providing a mechanism for new arrangements and providing for a new set of minimum standards regarding benefits.

The evaluation survey data (Section 5.3.2) suggests that, on balance, federally regulated workers seem to earn superior wages and benefits, compared to provincially regulated employees, and thus that security levels may be relatively high.[36]

Federally regulated workers have a greater orientation to white-collar salary jobs than the provincially regulated sample group. Federally regulated workers also have a higher proportion of management and professionals in their workforces. This pattern was also evidenced with second jobs.

In our interviews, representatives of several large employers we spoke to expressed concerns about harassment but emphasized the existing protections which fall under human rights legislation. There was general recognition among large employers that sexual/racial/ethnic harassment problems might be minimized by better training of managers. One large employer (a major bank) saw a need for "the respectful workplace" and developed a half-day "Respect in the Workplace" program for all its workers/managers.

---

[36] As well, federally regulated workers with second jobs seem to have second jobs that are more entrepreneurial in origin than their provincial counterparts.

10.3 Issues Related to Training and Life-Long Learning

Workers clearly desire to upgrade and train themselves for the new challenges in the workplace. Workers believe that governments and employers should do much more in terms of improving access to the necessary financing for educational upgrading. In general, workers indicated that their working-time arrangements were a hindrance to education and training. According to our surveys, the hindrance factor is much greater for federally regulated workers.

The evaluation data suggest that the longer hours of work and the greater propensity for irregular hours of work among federally regulated firms provide some explanation. These same kinds of differences show up in terms of individuals' assessment of their own job productivity, learning opportunities on the job, personal fulfillment, and participation in decision-making — all of which are characteristics of a high-productivity workplace.

However, federally regulated workers appear to receive slightly more employer-sourced training than their provincial counterparts. Federally regulated employers also seem more willing to accommodate training for their employees, particularly through paid tuition.

One of the unresolved issues relates to the general access to training being often confined to management and professional staff. This emerges as an important policy dilemma for the public at large, since everyone accepts that lesser skilled workers are going to find it harder to adapt to the new world of work.

Most telling in this regard was our observation from a Statistics Canada international report that Canada had the highest incidence of workers (33 percent) who wanted more training for career- or job-related reasons (see Constantine Kapsalis, "An International Comparison of Worker Training," in Perspectives, Spring, 1998). *This points to a need for more research on the distribution of training — an issue that could potentially be affected by labour standards.*

Unions see a kind of supply-side justification for public and private investment in training and upgrading of the workforce. Unions also see this as generating stronger economic growth and higher wages and salaries over time. These types of needs are consistent with the view that the incentive structure associated with vigorous competition and labour mobility result in an underinvesting in education and training by Canadian firms.

While coming at this issue from different perspectives, the information for the evaluation gathered suggests that firms, employees, and the self-employed all see a need for investment in job training — with requirements for public investment, but also a

role for all of the potential beneficiaries. These needs could be facilitated by more supportive labour standards.

10.4 Issues Related to the CWW, Federal and Provincial Jurisdictions, and Quality of Work

The evolution of NSW in both the federal and provincial jurisdictions has parallel and unique features, as is very evident from our survey data. The data suggest that federally regulated employers are more likely to use certain types of irregular, non-standard work situations than are their provincial counterparts. This finding is consistent with the worker responses. However, the surveys suggest that federally regulated employers are less inclined to rely on workers who work from home than their provincially regulated counterparts. As well, federally regulated employers appear less satisfied with workers working from home than their provincial counterparts.

Federally regulated employers are willing to consider time off in lieu of overtime, as well as more flextime and job-sharing arrangements. Time off in lieu of overtime was a popular option for workers as well. Employees working in the federally regulated sectors are slightly more likely to have a second job than their provincially regulated counterparts, while the incidence of workers having three or more jobs is very low in the federally regulated sector. However, provincially regulated employees are more likely to work part time (20.5 percent provincial versus 8.2 percent federal), while federally regulated employees are more likely to be self-employed with one main client.

Recent changes in employment have significantly increased the incidence of non-standard workers in the federally regulated sector, particularly in comparison with their provincially regulated counterparts. For example, according to the worker surveys, the incidence of unusual hours of work is generally higher for federally regulated workers. Federally regulated employers indicated that the average number of hours worked had increased for all kinds of non-standard workers. As well, a large number of employers report increases in the number of workers working at home.

Earlier, this report, described a number of features of a high-performance workplace which generated real gains for both worker and employer stakeholders. The essential ingredients included a flexible approach to work rules and job descriptions, high levels of worker involvement in the operation of the organization, employers' willingness to train and upgrade their workers' skills, family-friendly policies, and a work environment designed to improve health and reduce stress.

Clearly, when a substantial portion of employees report unpaid overtime, this cannot be regarded as a happy-workplace situation. In this respect, the incidence of unpaid overtime is higher for provincially regulated employees (34.5 percent of employees), compared to their federally regulated counterparts (28.8 percent).

In addition, worker satisfaction with training opportunities is not consistent with the trend towards creating a high-performance work environment in Canada. Note that 48.7 percent of federally regulated workers in the survey reported excellent employer supports for learning, in contrast to the provincial-counterpart figure of only 27.5 percent. A significant proportion of employees surveyed (over half) suggest that their main job is a hindrance to learning and education, and in the federally regulated sector, fatigue and long hours of work are cited as a hindrance to training and education.

10.5 Issues of Relevance and Enhancing the Code

With respect to views on what government should do to improve workplace practices, it is interesting to observe that both employers and workers favour a wide range of changes in workplaces.

Worker Views Regarding Government Priorities: In the federal jurisdiction, when asked what was most important for government to require of employers, workers identified the most needed interventions by government to be in areas such as job security, in paid educational leaves, in ensuring more assistance for child care, in improving health and safety in the workplace, and in providing paid leave for family emergencies

Employers' Priorities for Government: Overall federal sector employers were more likely to reject any government role (a substantial minority, about 25 percent, favoured no government intervention). However, employer views of what government should do (what the other 75 percent prioritized) were generally similar to (but generally not as strong as) priorities for workers. Priorities for government as seen by these employers included skills training, child care, health and safety, allowing right to time off in lieu of overtime pay[37]; and other provisions. Overall, the key concern of improved flexibility generally.

Role of Unions: In terms of the literature and our interviews, there were a number of general or principal issues which emerged, as well as a number of specific suggestions. This report notes that unions have been a key instrument in labour standards compliance and enforcement, but unions have been declining in their coverage of the labour force.[38] In other words, governments cannot rely on unions in the future to the same extent as they have in the past to ensure enforcement and compliance with standards.

Productivity: The evaluation surveys, the literature review, and stakeholder interviews all suggest a relationship between enlightened human-resource policies and improved worker morale and productivity. But family-friendly human-resource policies (such as flexible schedules, working at home, job-sharing, the provision of family-care benefits) are rare in many workplaces.

---

[37] Note that the employer acceptance time off in lieu of paid overtime likely assumed straight time, rather than time and one-half.

[38] However, according to data compiled by Noah Meltz, the rate of unionization in Ontario's private sector is lower than that in neighbouring workforces in the United States, such as New York and Michigan, and is only marginally higher than in Illinois. John O'Grady observed that only a successful shift in union strategy or a major change in the legislation governing unionization and collective bargaining can reverse this slide (see Daniel Drache, *Getting On Track: Social Democratic Strategies For Ontario*, McGill-Queens Press, 1992, p.154).

Chronic overtime as examined in the evaluation surveys, is a pervasive problem in Canadian workplaces and particularly in federally regulated workplaces. This is reflected in all sectors, but particularly in sectors such as trucking and communications. The trend towards longer hours is consistent with the trend towards part-time work and self-employment. Employers feel that they need the working-time flexibility to compete effectively and to lower costs. A number of reports, as well as the evaluation's survey, confirm that the phenomenon of long hours of work has become a major social problem for workers and their families.

Unique Approaches: The *Collective Reflection* report suggested that labour standards policies and other labour-market policies do not have to be the same for all sectors.

However, the *Collective Reflection* report did stress that labour standards should deliver the same set of basic rights to all workers, including those in contingent and precarious employment. For these workers, who may be most at risk, enforcement emerges as an important priority.

The raison d'être of the Code is to ensure that minimum labour standards are available to all workers. But the CWW, together with the expansion of NSW, means that the Code is diminishing in its capacity to ensure that these minimum standards are being met.

This problem exists not only for the Code but also for labour standards in provincial jurisdictions. To many, including stakeholders who were interviewed, this implies that addressing the non-standard work issue, particularly with regard to dependent contractors, is essential for the Code to be effective. This, in turn, implies that compliance and enforcement need to be pursued more vigorously than is presently the case. This also points to the potential value of providing new resources to those involved in the implementation and enforcement of the Code.

Strategic Implications: Considering this wide range of findings, some possible strategies are suggested for Part III by the evaluation, including the following:

Partnership Models:

1. *A stronger partnership model:* The evaluation findings suggest that partnerships could be a key strategy for improving compliance and enforcement with the Code. On a sectoral basis, the Code could be pragmatically and voluntarily enforced using more partnering arrangements. One possibility suggested by these results might be to have HRDC work more closely with particular industry associations in Canada as a means of dealing with CWW and NSW issues. Another possibility suggested by these results might be to broaden the partnership model to include unions and professional associations.

2. *Federal/Provincial co-operation:* The study identifies some possible new avenues for improved federal/provincial co-operation in labour standards and operations. Operational and research applications in particular are interesting. For example, as

one provincial labour standards official pointed out to us, a particular initiative that would be of value would be the development of joint databases of employers, where provinces and territories could draw on the substantial database resources of the federal government.

One partnering direction implied by the findings is that labour standards in all jurisdictions in Canada could move towards delivering the same set of basic rights to all workers, including those in contingent and precarious employment. In other words, standards in different jurisdictions could be examined to see if there is scope for harmonizing the treatments vis-à-vis the same industry group. The harmonization approach would consider not only actual standards but also the means of ensuring compliance and enforcement.

- **Labour Standards — Issues and Approaches:**

3. *Balancing family priorities with work* will, the evaluation data suggests, continue to be a struggle for most Canadians. There is considerable stress involved in balancing work and family responsibilities, hence a rising level of employee absenteeism and various types of stress. At the core of the struggle is the problem of time management. The variety of workers' needs implies value in a "bundling" or "cafeteria" approach within the Code to provide more options and flexibility for managing work and family issues. The cafeteria of items might include longer parental leaves, education leaves, family leaves, shorter or more flexible workweeks, and longer vacations.

4. *Need for Information:* This study (and research from Phase I of the evaluation) suggests that many Canadians cannot exercise their entitlements under the Code because of lack of knowledge and as well because of economic realities. The fact that a significant number of employees do not know their rights and a large number of employers are also unaware of the details of the Code issue is a real problem. As well, the findings indicate that more research on information needs of workers could be helpful, and a more systematic assessment of how the known information needs of employers can best be resolved could also be useful.

5. *Dependent Contractors:* Another possible avenue to consider, implied by this study, relates to better identification of dependent contractors and ensuring that they achieve a fair allotment of entitlements under the Code. Part of this approach could include establishing a registry of dependent contractors with the assistance of the firms, industry associations, and individuals affected. The possibility of identifying dependent contractors through a registry of sectoral associations (as many argued in our interviews) could result in the expansion of benefits to these workers and might also improve the monitoring of these important labour-force groups.

6. *Flexibility:* Some firms complain that they are unable to meet worker needs because of stringent Code requirements. This implies that labour standards should be sufficiently flexible to accommodate appropriate working arrangements mutually

agreed to by employers and workers in light of these data. Discovering new forms of flexibility that would satisfy firms' competitive needs and that would not at the same time reduce the basic rights of employees for minimum standards seems to be an interesting possible avenue for developing the Code.

7. *At-Home Work:* The evaluation suggests that the percentage of the workforce working at home will continue to rise in the future. Indeed, between 1991 and 1995, "Statistics Canada indicates that the proportion of employees working at home increased from 6 percent to 9 percent" (*Perspectives*, summer 1998, p.16).

   Related to the above concerns, the evaluation data implies that employers could be required to file reports on labour standards for their home workers and their dependent contractors. The basic idea behind this broader form of registry would be to gather useful information relating to the working conditions, benefits, etc., of those who work out of their homes.

8. *Learning:* A significant number of workers suggest that they would like to increase their training and education. Workers believe that employers and governments should take on more responsibility in this direction.

   Several ideas surfaced out of the findings of this evaluation report relating to life-long learning. One possible avenue would raise a training levy to support sectoral training bodies (e.g., in trucking or First Nations). Such an approach could reduce the problem of "poaching" trained workers by one firm from another. A second concept implied is the notion of using industry associations to establish their own training standards for selected sectors.[39] A third idea that emerges would be to entrench some form of employee entitlement into the Code for training and upgrading.

   For example, the Advisory Group On Working Time recommended entrenching an unpaid entitlement for training leaves. In this latter case, there are many possible variations to consider.

Administrative Considerations:

9. *Enforcement and Compliance:* With respect to the efficiency of enforcement, the risk assessment and risk management programs adopted in several of the provinces and US states seem impressive. Essentially, these governments use special communication devices to reach at-risk groups, including recent immigrants, young people, and minimum-wage earners. Data suggests that complaints to government agencies have been reduced using this approach.

10. *Alternative Approaches to Disputes:* The concepts of "early and alternative disputes resolution" concerning labour standards issues also emerge from this study's findings

---

[39] This approach, more typical in Europe, must be considered with caution, as application in Canada may not be as readily accepted.

and could also be considered. Once again, this is an avenue a number of other jurisdictions have already taken.

Part II and Part III Issues:

11. *Part II/Part III Research:* This evaluation study points to a need for more research on the Part II/Part III linkup to articulate the potential for improving enforcement and to understand the flow of resources between the two programs.

12. *Part II Evaluation:* Based on this study's findings, there is an apparent need for an evaluation of Part II generally. This program has not been evaluated in a number of years, and OSH issues are responsible for substantial costs to society (and to the federal government directly, where the federal public service is concerned) in the areas of compensation for worker injuries.

10.6 Labour Standards and First Nations

Labour standards are an important issue for First Nations, as well as for the Labour Program. Findings of the First Nations component of the evaluation point out the following:

- First Nations representatives see the inflexibility of the Code as more of an obstacle to developing their organizations than a protection for workers, arguing that greater flexibility benefits both employers and employees;

- They argue that there is a need for more training for LAOs in matters of cultural sensitivity and understanding of First Nations generally. In this same vein, they also argue that there is a need for more understanding of the unique economic and other features of First Nations;

- The need for information is also noted as extensive, echoing the views of employers generally (Phase I of the evaluation, 1997), but also noted by First Nations representatives was the need for more culturally appropriate materials, for example, brochures in a format directed at First Nations and their unique concerns;

- Other culturally significant directions, First Nations noted which would be worth pursuing were alternative dispute resolution techniques, such as involvement of customary law or use of elders;

- It was also noted by some First Nations interviewees that social/political realities may need to be better reconciled with the Code, particularly the case of employment terminations following the election of a new Chief; it was suggested that some of these issues may find their source in the *Indian Act* and practices which it reinforces;

- First Nations representatives expressed interest in discussing the development of alternative delivery methods — where they would assume increased delivery responsibilities — mainly because of the relevance to First Nations self-government.

These findings suggest that, to deal with some of the types of issues noted, a joint working process could be initiated, perhaps within a single region at first, to assess issues and remedies in the areas of types of information distribution, training for LAOs, and cultural orientation. Alternatively, these needs could be met by adding First Nation's representatives to the Labour Program's existing consultation group.

10.7 Occupational Safety and Health

Findings of this component of the evaluation point out the following:

- **Part II/Part III linkups** appear to be a fairly common practice among LAOs, who seem to be comfortable in their dual roles of delivering Parts II and III of the Labour Program. The reality of this link was also demonstrated in the Phase I evaluation, where evidence was presented suggesting that Part III complaints had had the impact of reducing Part II work over a number of years.

- Generally, a variety of evidence suggests that an enforcement-oriented linkup between the Part II and the Part III data sets might be a useful method for identifying non-compliant employers in each program, depending on the specific company's industrial sector. A detailed test of this hypothesis would be needed, however, and could be undertaken, for example, with LOIS data being a key source.

- **Evaluating Part II:** Initial information examined here suggests that the improved performance trend in injuries under Part II in the federal sector may be slower than that of provincially regulated sectors. If this finding is validated through a detailed analysis, it would point to important issues in the infrastructure industries under the federal sector and potentially important cost issues.

  Significant costs for injuries would be occurring which could be reduced. This possibility gains in importance when we note that unlike Part III, Part II covers the federal public service as well as federally regulated employers.

Overall, considering issues of Part II/Part III linkups, costs of injuries and workers compensation (including costs for the federal public service), and operational issues, the assessment here points to value in considering a variety of research, including a formal and comprehensive evaluation of Part II.

10.8 Education, Enforcement, and Compliance

The evaluation identified a wide range of practices among different departments and agencies, such as TBS, Health Canada, Revenue Canada, INAC, AECB, and various programs of HRDC. Findings of this component of the evaluation point out the following:

- An education/information approach was considered the most effective strategy across a number of departments and agencies, with heavy-handed enforcement/ prosecution as a last resort. This strategy seems to be echoed in approaches reported elsewhere in this report by provincial, United States, and international governments;

- Interdepartmental experiences are worth sharing, in the eyes of departmental and agency representatives — for example, as was seen in HRDC's 1997 interdepartmental roundtable on enforcement;
- Other than the INAC evaluation of social-assistance compliance in the Atlantic region and certain background research at Treasury Board, no systematic experiments or research in enforcement/compliance were identified in interviews;
- Representatives of departments and agencies noted that it was important to endeavour to remove inconsistencies within departments and to create a consistent compliance framework within the federal government.

On this basis, consideration could be given to widening consultation processes for the Labour Program's review of legislation and to discussing the issue of strategies for improving communications, compliance, and enforcement with the Code.

Two results stood out in this data: *First*, the results allow one to consider certain changes to the compliance strategy as set out for the Labour Program, specifically through cost-saving efforts in the areas of education, the pooling of experiences, flexible policies, and ready response to requests for clarification.

Second, ***these results reaffirm certain conclusions drawn in the 1997 evaluation, specifically the value of an effort to formally assess the impact of both stronger education and stronger enforcement strategies. These issues will be considered below in the discussion of a possible Phase III evaluation and related research activities.***

11. Various Future Considerations for Part III

11.1 Thematic Considerations

The findings of this evaluation report, which focused on Part III, point towards a number of broad areas of consideration for the Department. Based on various sources of information, this evaluation has revealed some key areas as having potential for improving the impact of the Code on Canadian labour markets, human resources, and the quality of life.

- **Long Hours:** Because *chronic overtime* is a pervasive problem in Canadian workplaces, and, particularly in the federally regulated sectors, it would seem that Part III could consider and assess possible initiatives intended to improve the quality of work and quality of family life — among them, the right to time off in lieu of overtime, and some monitoring to ensure that workers are paid for overtime.

- **Combining Labour Standards:** Combining, or "bundling," of labour standards emerges as a concept that could be investigated, potentially to increase worker/employer flexibility while maintaining basic floor standards. Combining labour standards, if feasible, could possibly provide flexibility by allowing more generosity on one standard and less on another, where agreeable between employers and workers, and consistent with the intent of the Code.

- **First Nations:** To respond to the unique needs of First Nations (e.g., unique configurations of employment and political/economic/cultural context), it may be desirable to establish a special dialogue with First Nations on the refinement and development of labour standards and their delivery.

- **An Evaluation of Part II** is discussed relative to a Part II/Part III linkup and the apparent need for a stand-alone evaluation of Part II (OSH). Overall, a number of indicators pointed to the desirability of an evaluation of Part II, particularly given widespread employer and worker concerns regarding OSH.

- **Enforcement and Education:** In the development of enforcement initiatives, it would appear that a mix of strategies could be considered separately or in combination, for example, (1) regulatory strategies, enhancing worker rights in labour standards; and (2) educational activities, strengthening the commitment of human-resource managers and companies to related policies. Education and information are seen as the key strategies for most employers, intentional non-compliers excepted.

  Regarding enforcement more broadly, widespread support for educational initiatives, both internationally and among other federal departments, suggests that it might be useful to explore the development of educational/informational experiments. These types of experiments could be aimed at improving employer awareness of their obligations, which might potentially reduce the workload costs of inspection-based enforcement.

- **Family-friendly and learning-oriented policies** could be a developmental area in Part III, allowing workers to better combine work and family responsibilities and to pursue learning opportunities with fewer impediments. Overall, it is anticipated that these types of policies may, in the long run, benefit the productivity of Canadian workplaces.

In the section to follow, we re-examine worker and employer views on changes to the workplace, which suggest mechanisms through which a number of these types of changes could be pursued.

11.2 Workplace Change and Partnership Considerations

Some key potential changes were noted by both employers and workers in our surveys. Overall, these suggest the possibility of potential for some support for these types of initiatives. In some cases, employers and workers appeared to share a common view of the kinds of changes desired in Canadian workplaces. Their views provide a platform for considering consultative avenues and include, as noted earlier, employer and worker support (albeit generally greater by workers) for such changes as:

- providing workers with the right to time off in lieu of overtime (as a mechanism to aid the reduction of chronic overtime);

- providing better access to flextime;

- encouraging employers to provide skills training;

- providing workers with more assistance for child care;

- improving health and safety in the workplace;

- providing assurance that worker benefits can be transferred to a new job or self-employment; and

- providing improved access to paid educational leave.

Building New Partnerships: To a great extent, this evaluation research has been most striking in the way in which it has identified the awareness of problems and potential for dealing with them. For example, many employers indicated a great deal of interest in developing more viable solutions to problems of family/work linkage, more viable models of at-home work, etc. This was also reflected in employer views of the potential for research and best practices in these areas. These findings imply good potential for developing employer/worker (union) partnerships, possibly on a sectoral basis. Similarly, the interest of First Nations in finding better ways to deal with many of their concerns was noteworthy.

Some of these findings may point to the desirability of developing new linkages to resolve such issues, beyond the traditional consultation processes which have been pursued by Part III. Some of these could be, for example:

- developing problem-focused working groups with industry, for example, focusing on the development of family-friendly policies in a particular sector;
- linking to academic and other institutes concerned with topics such as quality of family life;
- working jointly with other governmental units focused on related problems, such as life-long learning; and
- promoting academic research on some of these issues.

Developing such dialogue, consultations, and partnerships in these areas, as suggested by the evaluation findings, may imply a need for special efforts and additional staff for the Labour Program to develop new linkages with employers' groups, industry sectors, First Nations, and professional associations.

11.3 Research and Evaluation Considerations

Additionally, some other areas were noted as areas of concern by employers and workers that may warrant further research or evaluation (along with one key area — harassment — which could not be fully assessed within the methodology of this evaluation). Some of these potential study areas, which could aid targeting of possible future development of Part III, include:

- examining the potential of "*bundling" labour standards* (as discussed in Section 5.8); some approaches could involve looking at the trade-offs which workers and employers see between different types of labour standards and how preferences are mixed (e.g., how do workers assess a cap on overtime versus the point where overtime "clicks in" versus the right to time off in lieu of overtime). Such issues could be explored through focus groups, providing new perspectives on labour standards flexibility and useful insight to the current review of Part III legislation;
- examining the *potential pathways to new labour standards initiatives*, as noted above, through investigations involving focus groups and Delphi studies with stakeholders and representative groups of employers and workers. Such a series of inquiries could examine closely the advantages, disadvantages, obstacles, and trade-offs attendant to developing new standards related to issues such as family life and learning;

- examining *harassment issues* through a more focused study of complainants; such a study would look closely at the causes of harassment, and how (noting the possible correlation of some CWW phenomena with worker concerns with harassment) labour standards might reduce the risks of harassment. Such a project could be approached through a worker survey and could be linked to a broader survey of complainants (such a survey has never been undertaken for Part III);

- examining further the *international perspective* on these and related questions. Initial contacts for this evaluation have opened a wide range of contacts and created interest in exchanges among international contacts in the United States, and the European Union. These connections could be used to pursue a more integrated understanding — perhaps through a formal Delphi study — of the future of labour standards approaches to the CWW, development of family friendly policies, etc.;

- examining other Part III evaluation issues: In addition to study elements discussed above, a potential element of evaluation for any continued review of Part III would be to formally examine the impacts of informational/educational efforts. This approach could take either of two tacks: (1) a formal experiment in education/information; or (2) monitoring educational/information inputs and impacts.

- Any such study would ideally be linked to a review of other compliance and efficiency issues, such as examining the impacts of in-depth audits on compliance and examining the use of Part II/Part III linkups (using existing and/or new databases) to better identify employers who are non-compliant with each part of the Code.

Overall, these findings suggest that a concluding round of this Part III evaluation could provide valuable closure to a variety of Part III issues and potentially useful input to the future development of Part III.

A Possible Evaluation of Part II: During this evaluation, as a topic in itself, not as an aspect of Part III, an evaluation of Part II has been suggested as an important matter for the department. Such an evaluation would possibly require a review of key issues in organization, delivery, and effectiveness of the program but could also address both administrative issues of concern to the program (e.g., linkups and reporting in new regional administrative structures). Such an evaluation could also address key results related to costs of OSH injuries (including those within the federal public service), the effectiveness of internal responsibility, etc.

Finally, the evaluation results suggest that a number of areas of research would be aided by the collection of better data on the working conditions of federal-sector and provincial-sector workers, employers, etc. Some of this type of work could be aided by potentially modest changes in procedures, definitions, etc., for larger surveys conducted by Statistics Canada (for example, to identify employers and workers in federally regulated sectors when surveys are conducted). A review of the way in which such data could be improved would be highly desirable.

Appendix A
Bibliographies

A.1 Bibliography on the Changing World of Work

Advisory Committee on the Changing Workplace, *Collective Reflections on the Changing Workplace*, HRDC, 1997. Chapter 1: Background.

Advisory Committee on the Changing Workplace, *Collective Reflections on the Changing Workplace*, HRDC, 1997. Chapter 2: Changing Realities, Enduring Needs.

Advisory Group on Working Time and the Distribution of Work, *Report of the Advisory Group on Working Time and the Distribution of Work*, HRDC, December 1994.

Akyeampong, Ernest B. "Flexitime Work Arrangements," in *Perspectives*, Statistics Canada, Autumn 1993, pp. 17-22.

Akyeampong, Ernest B. and Jason Siroonian. "Work Arrangements of Canadians: An Overview," in *Perspectives*, Statistics Canada, Autumn 1993.

Appelbaum, Eileen and Rosemary Batt. The New American Workplace: Transforming Work Systems in the United States. ILR Press, 1994.

Appelbaum, Eileen and Rosemary Batt. *High-Performance Work Systems: American Models of Workplace Transformation*. Economic Policy Institute, Washington, 1993.

Bellemare, Diane and Lise Poulin Simon. Canada: "The Case of Quebec," in *Times Are Changing: Working Time in 14 Industrialized Countries*. International Labour Organization, 1993, pp. 105-126.

Bennett, Ken. "Recent Information on Training," in *Perspectives*, Statistics Canada, Spring 1994, pp. 22-25.

Betcherman, Gordon and Richard Chaykowski. *The Changing Workplace: Challenges for Public Policy*. Human Resources Development Canada, Applied Research Branch, Strategic Policy, Research Papers, September 1996.

Betcherman, Gordon, Norm Leckie, Kathryn McMullen and Christina Caron. *The Canadian Workplace in Transition*. IRC Press, Industrial Relations Centre, Queen's University, Kingston, 1994.

Betcherman, Gordon. "Workplace Transformation in Canada: Policies and Practices", in *Managing Human Resources in the 1990s and Beyond: Is the Workplace Being Transformed?* IRC Press, Queen's University, 1995, pp. 102-119.

Bharti, Manisha. Youth Perspective on the Report of the Advisory Committee on the Changing Workplace, 1997, Chapter 3, pp. 25-49.

Bond, James T. et al. *The 1997 National Study of the Changing Workplace*, for the Families and Work Institute, 1998.

Brault, Serge. Labour Relations and Legislation Perspective on the Report of the Advisory Committee on the Changing Workplace, 1997, Chapter 4, pp. 51-72.

Broad, Dave. "The Casualisation of the Labour Force," in *Good Jobs, Bad Jobs, No Jobs: The Transformation of Work in the 21st Century*, Harcourt Brace Canada, 1997, pp. 53-73.

Canadian Labour Congress, The. *The Future of Jobs*, Research Paper #4, p. 41.

Chaykowski, Richard and Brian Lewis. *A Review of Canadian and American Training Practices* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1994.

Chaykowski, Richard and Brian Lewis. *Compensation Practices and Outcomes in Canada and the United States* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1995.

Crompton, Susan. "Employer-Supported Training: It Varies by Occupation," in *Perspectives*, Statistics Canada, Spring 1994.

Dagg, Alexandra. "Worker Representation and Protection in the New Economy," in *Collective Reflections on the Changing Workplace*, 1997, Chapter 5, pp. 75-114.

Devine, Kay Stratton, Laurel Taylor and Kathy Haryatt. "The Impact of Teleworking on Canadian Employment," in *Good Jobs, Bad Jobs, No Jobs: The Transformation of Work in the 21st Century*. Harcourt Brace Canada, 1997, pp. 97-116.

Downie, Bryan and Mary Lou Coates. *Traditional and New Approaches to Human Resource Management* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1994.

Duffy, Ann, Daniel Glenday and Norene Pupo, Ed. *Good Jobs, Bad Jobs, No Jobs: The Transformation of Work in the 21st Century*, Harcourt Brace Canada, 1997.

Globe and Mail. *Nortel Leaves Employees at Home*, May 27, 1998, p. B.27.

Goss Gilroy Inc. *Impacts of the Information Highway on Employment and the Workplace*. Prepared for the Access and Social Impact Working Group of the Federal Information Highway Advisory Council, May 1995.

Goulet, Josée. "New Technologies Are at the Heart of the Knowledge Economy," in *Collective Reflections on the Changing Workplace*, 1997, Chapter 6, pp. 119-140.

Härtl, Gregory. "Reconciling Work and Elder Care," in *World of Work*, No. 18, 1996, p. 29.

Hoskins, Irene, Ed. Combining Work and Elder Care: *A Challenge for Now and the Future*. International Labour Office, Geneva, 1996.

Human Resources Development Canada, Evaluation and Data Development Branch, Strategic Policy Group. *Evaluation of Federal Labour Standards (Phase I), Final Report*, August 1997.

Human Resources Development Canada, Applied Research Branch, Strategic Policy Group. *The Future of Work: Trends in the Changing Nature of Employment*, October 17, 1995.

International Labour Organization. "Will the Information Age Mean a Virtual Revolution in Employment?" ILO Symposium on Multimedia Convergence, in *World of Work*, No. 19, 1997.

Jackson, Andrew. *The Future of Jobs: A Labour Perspective*, Canadian Labour Congress Research Paper #4, 1996.

Kapsalis, Constantine, "An International Comparison of Worker Training," in *Perspectives*, Statistics Canada, Spring 1998.

Krahn, Harvey. "Non-Standard Work Arrangements," in *Perspectives*, Statistics Canada, Winter 1991, pp. 35-45.

Kumar, Pradeep. *Unions and Workplace Change in Canada* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1995.

Leckie, Norm. *Human Resource Management Practices: Patterns and Determinants* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1994.

Marsan, Jean-Sébastien. "Self-employed Workers Call for the Same Social Protection As Wage Earners: An Analysis of Independent Work in Quebec," in *World of Work*, No. 21, September/October 1997.

Marshall, Katherine. "Balancing Work and Family Responsibilities," in *Perspectives*, Statistics Canada, Spring 1994, pp. 26-30.

O'Grady, John. *Job Control Unionism Vs. the New HRM Model* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1995.

Osberg, Lars. "A Personal Reflection on the Collective Reflection," in *Collective Reflections on the Changing Workplace*, 1997, Chapter 7, pp. 143-160.

Osberg, Lars, Fred Wien and Jan Grude. *Vanishing Jobs: Canada's Changing Workplaces.* James Lorimer & Company, Toronto, 1995.

Osterman, Paul. "The Transformation of Work in the United States: What the Evidence Shows," in *Managing Human Resources in the 1990s and Beyond: Is the Workplace Being Transformed?* IRC Press, Queen's University, 1995, pp. 71-92.

Reid, Angus. "The Shakedown in Services," in *Shakedown: How the New Economy Is Changing Our Lives*. Doubleday Canada Limited, 1996, Chapter 6, pp. 144-196.

Reid, Angus. "The Transformation of Work," in *Shakedown: How the New Economy Is Changing Our Lives*. Doubleday Canada Limited, 1996 Chapter 5, pp. 125-144.

Rifkin, Jeremy, *The End of Work*, G.P. Putnam's Sons, New York, 1995.

Roche, William K., Brian Fynes and Terri Morrisey. "Working Time and Employment: A Review of International Evidence," in *International Labour Review*, International Labour Office, Geneva, Vol. 135, #2, 1996/2.

Schor, Juliet B. *The Overworked American: The Unexpected Decline of Leisure*. Basic Books, New York, 1991.

Sims, Andrew. "Workplace Relationships," in *Collective Reflections on the Changing Workplace*, 1997, Chapter 8, pp. 163-191.

Statistics Canada. *Work Arrangements*, Analytic Report No. 6, Statistics Canada, Labour and Household Surveys Analysis Division, August 1993.

Sunder, Deborah. "Working Shift," in *Perspectives*, Statistics Canada, Spring 1993, pp. 16-23.

"Targeting the Intolerable: Child Labour," in *World of Work*, No. 18, 1996.

Thompson, Mark. *Rights and Responsibilities in a Changing Workplace: A Review of Employment Standards in British Columbia*. Report for the B.C. Ministry of Skills, Training and Labour, 1994.

"Unwelcome, Unwanted and Increasingly Illegal: Sexual Harassment in the Workplace," in *World of Work*, No. 19, 1997.

Wagar, Terry H. *Human Resource Management Practices and Organizational Performance: Evidence from Atlantic Canada* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1994.

Weber, Caroline L. *The Effects of Human Resource Management Practices on Firm Performance* (Human Resources Management (HRM) Project Series), Industrial Relations Centre Press, Queen's University at Kingston, Ontario, 1994.

A.2 International Bibliography

Australian Department of Workplace Relations & Small Business. *Explanatory Memorandum: Workplace Relations and Other Legislation Amendment 1997*, Parliament of the Commonwealth of Australia and House of Representatives, 1997.

Australian Department of Workplace Relations & Small Business. *Workplace Relations User Guides*, Nos. 1 to 13, January 1998.

Australian Government. *Changes in Federal Workplace Relations Law — Legislation Guide*, February 1998.

Australian Government. *Workplace Relations Act*, 1996.

European Community. *An Employment Agenda for Year 2000: Issues and Policies*. Internet Site: www.europa.eu.org.

European Community. Commission Communication, *Proposal for Guidelines for Member States' Employment Policies*, 1998 Internet Site: www.europa.eu.org.

European Community. *Employment Framework Agreement on Part-time Work*. Internet Site: www.europa.eu.org.

European Community. *Encouraging High Labour Standards as Part of a Competitive Europe*, Internet Site: www.europa.eu.org.

European Community. *Summary of the New Report on Part-time Work Across Europe*, Internet Site: www.europa.eu.org.

Federal Reserve Bank of Philadelphia Business Review, May/June 1998, p. 28.

France, Ministère de l'emploi et de la solidarité. *Guide pratique du droit du travail*, 1997.

France, Ministère de l'emploi et de la solidarité. *La réduction du temps de travail : une opportunité pour les entreprises, une chance pour les salariés, une nécessité pour l'emploi*, 1998.

France. *Projet de loi d'orientation et d'incitation relatif à la réduction du temps de travail*, Bill Presented to Parliament.

German Government. *Factsheet on Labour Law*, 1997.

German Institute for Employment Research. *Flexibility of Employment Relationships: Possibilities and Limits*, 1997.

Golub, Stephen S., "Are International Labor Standards Needed to Prevent Social Dumping?" IMF Finance & Development, December 1997, p. 20.

Human Resources Development Canada, Legislation and Research. *Overview of Part-time and Atypical Employment Legislation and Minimum Wage Legislation in Selected Countries*, September 1995.

Labour Canada, International Affairs, Strategic Policy and Partnerships. *Overview of Relevant Provisions of Federal and Provincial Legislation Respecting Contract Labour in Canada*, April 1997.

OECD. *The Future of Work: Towards Jobless Employment*, November 12, 1995.

Swedish Institute. *Fact Sheet on Labour Relations* in Sweden, April 1996.

Swedish Institute. *Fact Sheet on Swedish Labour Market Policy*, June 1997.

Swedish Ministry of Labour. *Annual Leave Act*, SFS, 1977: 480.

Swedish Ministry of Labour. *Employee's Right to Educational Leave Act*, SFS, 1974: 981.

Swedish Ministry of Labour. *Employment Protection Act*, SFS, 1982: 80.

Swedish Ministry of Labour. *Parental Leave Act*, SFS, 1995: 584.

Swedish Ministry of Labour. Secretariat for Information and Communication. *Fact Sheet Regarding Changes in Swedish Labour Legislation*, December 1997

Swedish Ministry of Labour. *Working Hours Act*, SFS, 1982: 673.

United Kingdom Department of Trade and Industry, Small Firms Publications. *Factsheets on the Employment Legislation*, 1996.

United Kingdom Government. *Employment Rights Act (U.K.)*, 1996, c.18.

Web sites: A number of the above sources were located through the following sites:

Australia (Department of Workplace Relations & Small Business, Australian Capital Office, Garema Court, 148-180 City Walk, Canberra ACT 2600, tel: (02) 6143 7333; fax: (02) 6243 7542; Web: http://www.dwrsb.gov.au)

France (Ministère de l'emploi et de la solidarité, Direction départementale du travail, de l'emploi et de la formation professionnelle ([DDTEFP, 126, rue de Grenelle, 75007, Paris]; Web: http://www.travail.gouv.fr).

Sweden (Ministry of Labour, S-103 33 Stockholm, Sweden, tel: +46-8-405 10 00, fax: +46-8-20 73 69 and National Board of Occupational Safety and Health; Labour Inspectorate, tel: +46-8-730 90 00; Web: http://www.sb.gov.se).

United Kingdom (Department of Trade and Industry, tel: 0171 215 5000; Web: http://www.dti.gov.uk).

Appendix B
Worker/Employer Survey Tables

Results are presented below for worker and employer surveys, showing results for federal and provincial/territorial sector subsamples.

Each section is preceded by a list of the tables presented.

B.1 Worker Survey Results

Overview and list of statistical tables. Statistical results are presented in the following pages for employee answers to key questions on CWW and NSW, particularly characteristics of the main job, schedules, and changes workers would like to see in workplaces.

List of Statistical Tables:

1.1A: Employment/Work Overview: Number of Jobs and Reasons for Self-employment
1.1B: Hours-of-Work Overview
1.1C: Employment/Work Overview: Reasons for Multiple Jobs or Working Only Part Time
1.1D: Employment/Work Overview: Reasons for Working from Home
1.2A: Work-Schedule Characteristics of the Main Job
1.2B: Method of Payment, Amount Paid, Overtime, and Union Status in Main Job
1.2C: Work Schedule and Job Security
1.3A: Employer Characteristics
1.3B: Occupation in Main and Second Jobs
1.4A: Benefits Available in Main Job
1.4B: Benefits Available in Second Job
1.5A: Shift and Schedule Aspects of Second Job
1.5B: Hours and Pay Aspects of Second and Third Jobs
1.6A: Learning and Employer Practices
1.6B: Work As a Hindrance or Help to Life-Long Learning
1.7A: The Main Job and the Quality of Work
1.7B: Main Job Features Which Hinder the Quality of Work
1.8A: Work As an Overall Hindrance to Family/Personal Life
1.8B: Incidence of Work As a Hindrance to Family/Personal Life and Impact of All Jobs on Family/Personal Life
1.9A: Government Should Do More to Improve These Workplace Practices
1.9B: Employers Should Do More to Improve These Workplace Practices
1.10: Workplace Changes Which Are Most Important to Workers
1.11: Practices Government Should Require of Employers
1.12A: Worker Demographics and Income
1.12B: Child Care and Disabled and Elderly Household Members
1.13: Spouse Employment

DISPLAY 1.1A

Employment/Work Overview: Number of Jobs and Reasons for Self-Employment

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Number of Current Jobs		
1	87.3	87.0
2	10.8	10.5
3 or More Jobs	1.8	2.6
Type of Main Job or Self-Employment		
Full-time Job	87.3	70.5
Part-time Job	8.2	20.5
Seasonal or Occasional	1.7	3.2
Self-employment with 1 Main Client	2.1	0.6
Self-employment with 2 or More Clients	0.7	4.2
Other Contract Work	0.0	1.1
Type of Second Job or Self-employment*		
Full-time Job	4.3	0.0
Part-time Job	33.5	72.6
Seasonal or Occasional	5.7	0.0
Self-employment with 1 Main Client	2.9	0.0
Self-employment with 2 or More Clients	14.3	14.8
Other Contract Work	39.3	12.6
Main Reason for Being Self-employed**		
Not Applicable, None of My Jobs Are Self-employment	91.7	84.7
I Like Self-employment	5.7	9.6
Previous Employer Changed Status to Self-employed	0.1	0.0
Was Not Able to Find Other Employment	0.6	2.1
Other Reason	2.0	3.7

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* These percentages are based on the subsample reporting a second job or self-employment (the subsamples were 49 federal-sector workers and 14 provincial-sector workers).

** These percentages are based on the subsample reporting self-employment in main or any job (the subsamples were 37 federal-sector workers and 20 provincial-sector workers).

DISPLAY 1.1B
Hours-of-Work Overview
(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Number of Hours Worked Per Week at Main Job		
Under 30	6.3	18.5
30 to 40	42.2	46.1
41 or More	51.5	35.4
Number of Hours Usually Worked Outside 8-6 Mon-Fri at Main Job		
Under 5	53.2	46.2
6 to 9	17.9	22.2
10 to 19	13.6	16.7
More than 20	15.3	15.0
Number of Hours Worked Outside 8-6 Mon-Fri at Second Job*		
Under 5	46.9	51.5
6 to 9	27.1	17.3
10 to 19	21.5	20.0
More than 20	4.4	11.2
Number of Hours Worked Outside 8-6 Mon-Fri at Third Job**		
Under 5	100.0	100.0
Have Hours Outside 8-6/Mon-Fri Increased in Past 5 Years?		
Decreased Greatly	4.8	8.8
Decreased Somewhat	8.2	12.2
No Change	52.1	53.8
Increased Somewhat	23.0	12.4
Increased Greatly	12.0	12.8

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* These percentages are based on the subsample reporting a second job.

** These percentages are based on the subsample reporting a third job.

DISPLAY 1.1C

Employment/Work Overview: Reasons for Multiple Jobs or Working Only Part Time

(Multiple answers may result in totals of more than 100 percent,
while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Reasons for Working at More than One Job		
Variety of Work	6.5	4.0
Have Not Found a Suitable Full-time Job	2.2	0.4
To Meet Regular Household Expenses	5.7	4.7
To Pay Off Debts	4.2	5.2
To Buy Something Special	2.0	0.6
To Save for the Future	3.8	1.9
To Gain Experience	3.4	1.5
To Build Up a Business	4.6	4.9
Other Reason	1.9	1.3
Have Only One Job	87.3	87.0
Reasons for Working Less than 30 Hours/Week at Main Job		
Not Applicable, Work More than 30 Hours/Week	92.4	82.5
Illness or Disability	1.0	0.0
Personal or Family Responsibilities	1.4	2.7
Going to School	0.6	1.2
Could Only Find Part-time Work	2.4	4.7
Did Not Want Full-time Work	2.0	5.2
Employer Changed Schedule to Under 30 Hours/Week	1.6	1.1
Other Reason for Working Under 30 Hours/Week	1.5	3.3

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.1D

Employment/Work Overview: Reasons for Working from Home

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Reasons for Working Exclusively from Home		
Do Not Work Exclusively from Home	92.1	82.8
Like the Arrangement Generally	1.5	2.6
To Better Care for Children	0.7	1.5
To Better Care for Other Family Members	0.2	0.0
Convenience, to Have More Personal Time	0.5	0.4
Reduces Cost of Clothing, Transportation, Etc.	0.5	0.4
Was Always a Requirement of the Job	2.8	3.0
Employer Introduced This Change	0.3	1.2
Other Reason for Working Exclusively from Home	1.0	0.4

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.2A

Work-Schedule Characteristics of the Main Job*

(Multiple answers may result in totals of more than 100 percent)

Work-Schedule Characteristics of Main Job

	Federal Sector (%)	Prov/Terr. Sectors (%)
Work-Schedule Characteristics of Main Job		
Requires Work at Home	14.5	19.1
Requires Work at Home by Computer/Modem	12.3	15.2
Requires Work Starting Before 8 A.M.	40.1	38.5
Requires Work Starting After 6 P.M.	13.6	17.4
Requires Split Shifts	7.8	11.3
Requires a Workday of More than 8 Hours	49.2	45.6
Requires Day and Night Rotating Shifts	9.1	12.1
Requires Night Shifts	9.9	12.9
Requires Work Travelling Out of Town Overnight	14.5	6.4
Requires Work on Weekends	26.6	31.5
Requires Weekends Travelling away from Home	8.8	3.4
Requires More than 40 Hours of Work Per Week	42.0	35.7
The Job Has an Unpredictable Schedule	26.9	22.4
Able to Set Own Work Schedule	21.9	23.4
On-Call, Irregular Schedule	19.8	18.1
The Job Is During the Daytime, Mon-Fri	79.6	72.1

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent reporting always or regularly have each type of schedule.

DISPLAY 1.2B

Method of Payment, Amount Paid, Overtime, and Union Status in the Main Job

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
How Paid for Main Job?		
Paid an Hourly Wage	28.3	50.4
Paid a Salary by Employer	67.8	37.5
Paid by Commission Only	0.6	4.3
Paid by Wages Plus Tips, Commissions or Bonuses	1.2	1.3
Paid by Piece Work	1.1	0.0
Take Self-employed Income/Drawings	1.1	6.5
Amount Earned Per Hour for Main Job		
$10 or Less	7.2	22.5
$11 to $15	29.0	23.9
$16 to $20	22.5	24.8
$21 to $25	14.6	9.9
Over $25	26.7	18.9
Number of Paid Overtime Hours Per Week		
No Overtime	28.8	34.5
1 to 5	18.8	21.2
6 to 9	2.4	0.9
10 to 19	4.3	4.5
Over 20	0.6	2.3
Time Off Is Provided Instead of Pay	19.7	16.9
Overtime Is Unpaid	25.4	19.6
Whether a Member of a Labour Union in Main Job		
Yes	17.8	34.3
No	82.2	65.7

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.2C

Work Schedule and Job Security

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Main Reason for Unusual Work Schedule		
Not Applicable, Daytime Mon-Fri Schedule	50.4	47.3
Like the Schedule	2.5	3.4
Financial Need/to Earn More Money	2.0	7.9
To Better Care for Children	2.5	3.1
To Better Care for Other Family Members	0.7	1.7
To Allow Time for School	0.8	1.5
Was Always a Requirement of the Job	29.5	33.0
Employer Introduced This Change to the Job	1.8	0.6
Other Reason for Unusual Work Schedule	5.1	3.5
How Security of Main Job Has Changed		
Not Applicable, in Job for Less than 1 Year	9.8	18.7
Level of Job Security Is Good	25.1	27.0
Level of Job Security Is the Same As Last Year	27.9	25.8
Feel More Secure in Job Now than Did Last Year	7.5	10.6
Feel Less Secure About Job than Did Last Year	22.8	7.3
Don't Know — Depends on Employer and Economy	20.9	14.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent 95 times in 100. Because of small sample size provincial estimates are accurate at only +11 percent 95 times in 100 and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.3A
Employer Characteristics
(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Industry/Sector of Main Job		
Banking (Federally Regulated Banks)	25.4	3.1
Other Financial Institutions	0.1	3.1
Crown Corporation	13.2	1.2
Trucking	14.2	0.6
Other Transportation	13.2	1.7
Telecommunications	8.8	1.7
Other Communications	2.7	0.0
Grain, Feed, and Fertilizer	9.2	0.0
Human Services (Health, Education, Social Services)	0.7	24.8
Manufacturing	0.8	15.7
Natural Resources	0.6	1.8
Retail/Wholesale	2.0	18.5
Services (Restaurants/Hotels/Business, Etc.)	0.7	13.6
Government (Federal/Provincial/Municipal)	1.3	6.2
First Nations	3.3	0.0
Other	3.8	8.0
Number of Employees Who Work for Main Employer		
19 or Less	16.2	28.7
20-49	17.2	12.4
50-99	8.7	10.8
100-499	22.0	28.4
500-999	3.8	5.1
Over 1,000	32.1	14.6

DISPLAY 1.3A (continued)
Employer Characteristics
(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Industry/Sector of Second Job		
Other Financial Institutions	0.2	0.0
Crown Corporation	0.2	0.0
Trucking	0.7	0.0
Other Transportation	1.0	0.0
Telecommunications	0.3	0.0
Other Communications	0.7	0.4
Grain, Feed, and Fertilizer	0.2	0.0
Human Services (Health, Education, Social Services)	0.5	3.0
Manufacturing	0.1	0.0
Retail/Wholesale	1.1	1.5
Services (Restaurants/Hotels/Business, Etc.)	1.5	3.1
Government (Federal/Provincial/Municipal)	0.3	0.0
First Nations	0.2	0.0
Other	4.0	3.8
No Second Job	87.3	87.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.3B
Occupation in Main and Second Jobs
(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Occupation in Main Job		
Management	28.6	15.5
Professional	14.2	12.1
Technical/Scientific	7.7	11.9
Clerical/Office/Admin.	27.5	20.4
Truck Driver	7.4	0.6
Other Blue Collar	5.3	6.7
Sales	1.6	12.1
Services	0.5	9.1
Other	7.2	11.6
Occupation in Second Job		
Management	0.9	1.4
Professional	2.7	1.7
Technical/Scientific	1.0	0.0
Clerical/Office/Admin.	0.9	2.0
Truck Driver	0.4	0.0
Other Blue Collar	0.3	0.6
Sales	1.4	0.8
Services	0.1	1.9
Other	5.0	4.6
No Second Job	87.3	87.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.4A

Benefits Available in Main Job

(Multiple answers result in totals of more than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
General Employee Benefits		
Paid Sick Leave	75.1	50.6
Medical Plan	75.6	53.8
Dental Plan	73.1	46.9
Employer Disability Insurance	71.6	46.4
Employer Pension Plan in Addition to CPP/QPP	64.1	46.0
Day-care on Site or Related Child-Care Benefits	0.6	4.6
Employer Top-Up of EI Maternity Leave Benefits	16.1	10.3
Paid Leave for Emergencies for Children	40.2	21.2
Paid Leave for Emergencies for Elderly Parents	30.7	13.5
Paid Educational Leave	15.7	7.9
Paid Holidays of More than 2 Weeks Per Year	70.7	47.0
Employee Assistance Program	45.3	31.4
Tenure (Job Security)	9.9	9.1
None of the Above	9.2	17.5
Other Work-Arrangement Benefits		
Flextime	24.2	13.6
One Week's Notice of Changes in Schedules	10.6	12.8
Job-Sharing	8.2	3.5
On-the-Job Training	39.5	26.8
Unpaid Leave for Emergencies for Children	25.6	24.9
Unpaid Leave to Aid Elderly Parents	21.0	18.4
Unpaid Educational Leave	13.0	13.9
Sabbatical Leave	5.9	7.3
Political Leave	4.5	2.4
None of the Above	18.5	18.7

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100 and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.4B

Benefits Available in Second Job

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
General Employee Benefits		
Paid Sick Leave	0.8	0.0
Medical Plan	1.0	0.0
Dental Plan	1.0	0.0
Employer Disability Insurance	0.5	0.0
Employer Pension Plan in Addition to CPP/QPP	0.7	0.0
Day-care on Site or Related Child Care Benefits	0.1	0.0
Employer Top-Up of EI Maternity Leave Benefits	0.3	0.0
Paid Leave for Emergencies for Children	0.4	0.0
Paid Leave for Emergencies for Elderly Parents	0.3	0.0
Paid Educational Leave	0.2	0.0
Paid Holidays of More than 2 Weeks Per Year	0.4	1.2
Employee Assistance Program	0.7	0.0
Tenure (Job Security)	0.5	0.4
None of the Above	5.5	7.7
Other Work-Arrangement Benefits		
Flextime	2.6	3.4
One Week's Notice of Changes in Schedules	0.7	0.0
Job-Sharing	0.3	0.0
On-the-Job Training	2.1	1.0
Unpaid Leave for Emergencies for Children	2.7	3.8
Unpaid Leave to Aid Elderly Parents	2.4	3.2
Unpaid Educational Leave	0.9	2.1
Sabbatical Leave	0.2	0.0
Political Leave	0.1	0.0
None of the Above	4.6	6.4
No Second Job	87.3	87.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.5A

Shift and Schedule Aspects of Second Job

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Schedule and Related Characteristics of Second Job		
Requires Work at Home	5.5	5.7
Requires Work at Home by Computer/Modem	2.9	4.5
Requires Work Starting Before 8 A.M.	3.7	2.2
Requires Work That Starts After 6 P.M.	5.0	6.2
Requires Split Shifts	1.4	0.0
Requires a Work Day of More than 8 Hours	2.5	2.2
Requires Day and Night Rotating Shifts	1.1	1.1
Requires Night Shifts	1.1	1.1
Requires Work Travelling Out of Town Overnight	1.6	0.0
Requires Work on Weekends	6.8	4.3
Requires Weekends Travelling away from Home	1.3	1.0
Requires More than 40 Hours of Work a Week	1.2	1.1
The Job Has an Unpredictable Schedule	7.4	6.2
You Can Set Your Own Work Schedule	7.0	10.0
On-Call	3.2	3.1
The Job Is During the Daytime, Monday to Friday	3.4	3.3
No Second Job	87.3	87.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.5B

Hours and Pay Aspects of Second and Third Jobs

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Number of Hours Per Week Usually Worked at Second Job		
Under 5	2.8	3.8
6 to 9	3.5	2.9
10 to 19	1.7	2.2
Over 20	3.3	3.7
No Second Job	87.3	87.0
Total number of Hours Usually Worked Outside 8-6, Mon-Fri		
Under 5	4.8	4.9
6 to 9	2.7	2.1
10 to 19	1.6	1.1
Over 20	1.4	2.6
No Second Job	87.3	87.0
How Paid for Second Job or Self-employment*		
Paid an Hourly Wage	30.5	50.8
Paid a Salary by Employer	10.4	0.0
Paid by Commission Only	9.3	9.1
Paid by Wages Plus Tips, Commissions, or Bonuses	2.3	0.0
Paid by Piece Work	24.8	20.4
Take Self-employed Income/Drawings	22.7	19.7
Number of Hours Worked Per Week at Third Job		
Under 5	1.2	2.4
6 to 9	0.3	0.2
Over 20	0.3	0.0
No Third Job	98.2	97.4

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* These percentages are based on the subsample reporting a second job (this subsample was 49 federal-sector workers and 14 provincial-sector workers).

DISPLAY 1.6A

Learning and Employer Practices*

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Type of Training/Education Taken in Past 12 Months		
No Training or Learning Activity	27.5	31.7
Training Provided by Employer away from Work	40.1	21.6
On-the-Job Training Provided by Employer	32.7	21.2
Self-study or Learning Done on Your Own	27.0	23.9
Formal Study at a College or University	9.5	7.9
Other Education, Training or Learning	4.1	3.8
How Employer Helped with Learning in Past 5 Years		
Allowed Schedule Adjustments	21.0	19.3
Allowed Time Off with Pay	22.6	11.9
Allowed Time Off Without Pay	2.9	1.5
Paid Tuition/Fees	40.0	24.2
Helped in Other Ways	11.6	5.1
Never Requested Help	28.9	36.6
Employer Did Not Give Requested Assistance	3.2	1.5
Employer Encourages Learning Overall**	48.7	27.5

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Where learning includes on the job training as well as formal education (college/university) and self-learning.

** Percent where employee rates employer support for learning as good to excellent.

DISPLAY 1.6B

Work as a Hindrance or Help to Life-Long Learning*

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Main Job Requirements Hinder Learning/Education		
Ability to Develop Skills for My Work on the Job	18.5	10.0
Ability to Develop Work Skills off the Job	33.8	36.6
Ability to Undertake Formal Studies	60.8	63.6
Ability to Undertake Self-study	33.8	26.9
What About Main Job Hinders Learning		
Main Job Does Not Hinder Learning or Education	43.3	44.5
Job Schedule Is Incompatible with Learning	25.5	15.5
Job Schedule Is Unpredictable	16.8	13.8
Overall Work Demands (Fatigue, Long Hours)	40.5	29.2
What About All Jobs Hinders Learning/Educ.**		
Job Schedules Are Incompatible with Learning	5.4	8.6
Job Schedules Are Unpredictable	5.4	6.9
Overall Work Demands	11.2	7.3
Not Enough Income for Educ./Training Courses	4.4	6.5
Other Aspect Hinders Ability to Undertake Learning	0.6	0.0
Jobs Do Not Hinder Learning Opportunities	11.2	9.9
Not Applicable — Have Only 1 Job	87.3	87.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Where learning includes on the job training as well as formal education (college/university) and self-learning.

** This question was asked only of those with two or more jobs (this subsample was 57 federal-sector workers and 17 provincial-sector workers).

DISPLAY 1.7A
The Main Job and the Quality of Work
(Independent answers result in totals of more than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Rating of Main Job As Good-Excellent in Terms of:*		
Extent to Which the Job Fully Uses Skills Abilities	63.9	41.2
How Productive You Are at This Job	86.7	76.8
Learning Opportunities in This Job	54.4	46.4
Personal Fulfilment of the Work	62.8	48.9
Participation in Workplace Decisions	50.4	47.3
Safety and Healthiness of the Workplace	65.8	68.5
Absence of Sexual Harassment in the Workplace	87.0	86.1
Absence of Other Harassment in the Workplace	77.9	73.1
Absence of Stress in the Workplace	21.6	26.8
The Work Schedule	55.4	46.8
The Workplace As Offering a Career Future	40.8	32.6
How the Workplace Affects Your Family Life	35.3	36.9
The Income Provided by the Job	52.8	33.8
The Extent to Which Income Matches the Work	47.0	41.6
Recognition of Your Accomplishments	45.2	40.4
Employer's Concern for Employees	44.4	42.5
Key Benefits of the Job Pensions/Dental, Etc.	64.6	46.1
Other Benefits Child Care, Flextime, Etc.	27.0	28.8
Opportunity for Changing Jobs Horizontally	21.6	19.5
Opportunity for Advancement	34.1	30.9

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* A five-point scale was used, where 1=poor, and 5=excellent. The percentages shown were obtained based on the proportion of responses indicating 4 and 5.

DISPLAY 1.7B

Main Job Features Which Hinder the Quality of Work (Independent answers may not total to 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Aspects of Main Job Which Hinder Quality of Work		
No Specific Factors Hinder Quality of Work	57.7	49.5
Schedule Is Incompatible with Quality Work	4.6	4.8
Job Schedule Is Unpredictable	12.1	9.7
Overall Work Demands Long Hours	24.6	22.1
Other Factors Hindering Quality of Main Job	8.6	7.9

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.8A

Work As an Overall Hindrance to Family/Personal Life

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Employee Rating of Employers Impact on Family/Personal Life (percent Rated Good-Excellent)*	40.0	21.6
Ways That Main Job Hinders Family/Personal Life**		
Ability to Spend Time with Spouse/Partner	26.7	22.0
Ability to Spend Time with Children Who Live with You	30.7	25.9
Ability to Spend Time with Children Not Living with You	25.7	40.2
Ability to Arrange Child Care	24.5	24.6
Ability to Meet Responsibilities to Parents/Family	22.7	20.4
Ability to Talk to or Call Children/Family During Day	12.2	14.2
Ability to Balance Family and Work Overall	18.2	17.1
Ability to Provide an Adequate Income for Family	15.3	33.8
Ability to Provide a Secure Future for Your Family	23.4	37.6
Ability to Spend Leisure Time with Friends	25.4	26.0
Ability to Maintain Your Health	18.8	23.7
Ability to Participate in Your Community	33.3	26.3
Ability to Spend Time Doing Things You Want to Do	29.6	24.2
How Main Job Hinders Quality of Family/Personal Life		
No Specific Work Factor Hinders Family Life	45.6	47.3
Job Schedule Is Incompatible with Family Needs	19.0	15.8
Specific Aspects Are Harmful to Family	3.4	3.0
The Job Schedule Is Unpredictable	17.3	17.5
Overall Work Demands	31.4	22.8
Job Income Does Not Allow Family to Live Reasonably	10.4	10.6
Job Does Not Allow Time for Sick Children/Parents	6.0	5.7
Job Does Not Allow Time for Family Obligations	9.9	7.5
Other Factor Hinders Family and Personal Life	4.3	1.7

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent rating the employer as good-excellent in general, that is, answering 4 or 5 on a 5-point scale, where 1= poor; 3 = neutral; and 5 = excellent.

** Percent indicating that work hinders each aspect of personal/family life.

DISPLAY 1.8B

Incidence of Work As a Hindrance to Family/Personal Life and Impact of All Jobs on Family/Personal Life

(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent, and some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Number of Times Needed to Adjust Work Schedule for Family Reasons		
Never	37.6	40.8
1	4.7	3.2
2	11.7	13.4
3 or More Times	46.1	42.6
Number of Times Able to Make Work Schedule Adjustments Needed		
Never	3.5	2.5
1	10.7	10.8
2	20.2	22.6
3 or More Times	65.6	64.2
Things About All Jobs That Hinder Family/Personal Life*		
No Work Factor Hinders Quality of Family Life	24.6	24.3
Job Schedules Are Incompatible with Family Needs	2.8	5.5
Specific Aspects Are Harmful to Family	0.8	1.5
Job Schedules Are Unpredictable	5.4	3.5
Overall Work Demands	7.2	8.9
Income Does Not Allow Family to Live Reasonably	2.0	6.1
Jobs Do Not Allow Time for Sick Children/Parents	0.4	1.1
Jobs Do Not Allow Time for Family Obligations	0.9	2.8
Other Work Factors Hinder Quality of Family/Personal Life	1.2	1.2
Have Only One Job	87.3	87.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent indicating characteristics of work that hinder personal/family life.

DISPLAY 1.9A

Government Should Do More to Improve These Workplace Practices*

(Multiple answers may result in totals of more than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Allowing Right to Time Off in Lieu of Overtime	30.6	25.2
Allowing for More Flextime	17.9	12.8
Allowing for More Job-Sharing	17.4	15.4
Enabling More Workers to Work from Home	18.3	21.9
Giving Good Notice of Changed Schedules	14.2	6.3
Giving the Right to Refuse Undue Shift Work	29.2	21.7
Giving Workers the Right to Refuse Overtime	31.6	24.2
Giving the Right to Refuse Undue Travel	25.7	20.6
Encouraging Unpaid Leave for Educ. Upgrading	24.6	20.9
Encouraging Paid Leave for Educ. Upgrading	35.9	32.4
Encouraging More Skill Training	31.1	32.4
Encouraging Sabbaticals for Skill Upgrading	23.9	21.2
Providing More Assistance for Child-Care	42.6	39.8
Helping Employees Access Counselling, Etc.	27.2	24.6
Providing Paid Leave for Family Emergencies	31.4	23.6
Providing Unpaid Leave for Family Emergencies	21.1	17.8
Ensuring That Benefits Can Be Transferred	49.1	42.8
Improving Protection from Sexual Harassment	44.3	40.5
Improving Protection from Other Harassment	45.1	42.7
Improving Health and Safety in the Workplace	43.0	38.0
Improving Worker Job-Security Provisions	50.1	39.2
Access to Benefits for Self-employed Persons	39.0	33.5
Self-employed Access to Guild-Type Benefits	36.8	32.6
Labour Standards for Self-employed Persons	46.3	41.7

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144-provincial sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent of employees indicating government should do more.

DISPLAY 1.9B

Employers Should Do More to Improve These Workplace Practices*
(Multiple answers may result in totals of more than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Allowing Right to Time Off in Lieu of Overtime	61.4	57.3
Allowing for More Flextime	62.3	52.9
Allowing for More Job-Sharing	56.4	56.8
Enabling More Workers to Work from Home	57.5	49.8
Giving Good Notice of Changed Schedules	50.9	52.0
Giving the Right to Refuse Undue Shift Work	41.3	42.0
Giving Workers the Right to Refuse Overtime	43.9	48.6
Giving the Right to Refuse Undue Travel	44.0	41.7
Encouraging Unpaid Leave for Educ. Upgrading	40.8	44.3
Encouraging Paid Leave for Educ. Upgrading	50.9	44.8
Encouraging More Skill Training	63.4	53.9
Encouraging Sabbaticals for Skill Upgrading	43.7	42.3
Providing More Assistance for Child-Care	42.0	31.5
Helping Employees Access Counselling, Etc.	42.6	38.4
Providing Paid Leave for Family Emergencies	54.9	52.3
Providing Unpaid Leave for Family Emergencies	43.2	34.9
Ensuring That Benefits Can Be Transferred	34.0	27.3
Improving Protection from Sexual Harassment	48.9	52.4
Improving Protection from Other Harassment	50.7	50.8
Improving Health and Safety in the Workplace	49.7	49.5
Improving Worker Job-Security Provisions	50.7	46.8
Access to Benefits for Self-employed Persons	28.1	23.4
Self-employed Access to Guild-Type Benefits	20.7	17.2
Labour Standards for Self-employed Persons	21.6	14.5

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent of employees indicating employers should do more.

DISPLAY 1.10

Workplace Changes Which Are Most Important to Workers*

(Multiple answers may result in totals of more than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Allowing Right to Time Off in Lieu of Overtime	17.4	14.0
Allowing for More Flextime	14.2	15.6
Allowing for More Job-Sharing	8.9	9.8
Enabling More Workers to Work from Home	17.9	11.1
Giving Good Notice of Changed Schedules	6.8	3.6
Giving the Right to Refuse Undue Shift Work	3.3	5.3
Giving Workers the Right to Refuse Overtime	6.1	6.0
Giving the Right to Refuse Undue Travel	3.3	3.3
Encouraging Unpaid Leave for Educ. Upgrading	3.0	2.0
Encouraging Paid Leave for Educ. Upgrading	20.6	14.9
Encouraging More Skill Training	18.2	11.7
Encouraging Sabbaticals for Skill Upgrading	10.4	4.7
Providing More Assistance for Child-Care	10.5	3.8
Helping Employees Access Counselling, Etc.	3.5	2.5
Providing Paid Leave for Family Emergencies	18.9	20.6
Providing Unpaid Leave for Family Emergencies	3.6	1.8
Ensuring That Benefits Can Be Transferred	13.1	6.9
Improving Protection from Sexual Harassment	4.8	5.3
Improving Protection from Other Harassment	7.6	13.2
Improving Health and Safety in the Workplace	12.3	10.0
Improving Worker Job Security Provisions	21.6	15.9
Access to Benefits for Self-employed Persons	7.3	10.6
Self-employed Access to Guild-Type Benefits	5.2	5.8
Labour Standards for Self-employed Persons	5.8	10.1

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Chosen as top three changes that would help workers.

DISPLAY 1.11

Practices Government Should Require of Employers*

(Multiple answers may result in totals of more than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Allowing Right to Time Off in Lieu of Overtime	11.8	13.8
Allowing for More Flextime	4.7	5.5
Allowing for More Job-Sharing	4.0	7.6
Enabling More Workers to Work from Home	5.2	4.7
Giving Good Notice of Changed Schedules	2.6	2.1
Giving the Right to Refuse Undue Shift Work	5.4	7.1
Giving Workers the Right to Refuse Overtime	6.5	7.7
Giving the Right to Refuse Undue Travel	3.8	5.3
Encouraging Unpaid Leave for Educ. Upgrading	3.2	1.1
Encouraging Paid Leave for Educ. Upgrading	15.0	11.5
Encouraging More Skill Training	12.8	7.9
Encouraging Sabbaticals for Skill Upgrading	5.8	5.0
Providing More Assistance for Child-Care	15.0	7.4
Helping Employees Access Counselling, Etc.	5.4	6.6
Providing Paid Leave for Family Emergencies	14.0	9.7
Providing Unpaid Leave for Family Emergencies	4.6	3.0
Ensuring That Benefits Can Be Transferred	12.7	14.4
Improving Protection from Sexual Harassment	9.4	9.3
Improving Protection from Other Harassment	11.0	12.1
Improving Health and Safety in the Workplace	14.9	19.6
Improving Worker Job-Security Provisions	20.4	16.7
Access to Benefits for Self-employed Persons	4.5	5.8
Self-employed Access to Guild-Type Benefits	4.2	3.0
Labour Standards for Self-employed Persons	8.4	3.3

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Chosen as top three changes government should mandate.

DISPLAY 1.12A

Worker Demographics and Income

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Your Age		
Under 16	0.2	0.0
Aged 17-19	0.1	0.6
Aged 20-29	14.8	17.2
Aged 30-39	31.3	22.6
Aged 40-49	35.0	41.4
Aged 50 or Older	18.6	18.2
Your Sex		
Female	48.7	39.6
Male	51.3	60.4
Highest Level of Education That You Have Attained		
Grade School	1.6	4.5
Some High School	6.3	11.2
High School	27.0	13.9
Community College	24.0	20.3
Some University	13.8	17.5
University Degree	18.5	22.1
Post-Graduate Degree	4.1	6.4
Other	4.7	4.1
Type of Household		
Single-Person Household	15.3	13.3
Couple with Children	52.0	63.7
Couple without Children	23.4	13.3
Single-Parent Family	7.0	8.7
Other	2.3	1.0
Total Personal Income in 1997		
Under $25,000	20.0	46.1
$25,000 to $49,999	45.5	33.7
$50,000 to $75,000	18.5	8.8
Over $75,000	16.0	11.4

DISPLAY 1.12A (continued)
Worker Demographics and Income
(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Total Family Household Income in 1997		
Under $25,000	8.3	20.5
$25,000 to $49,999	28.0	28.9
$50,000 to $75,000	28.1	31.0
Over $75,000	35.6	19.6

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.12B

Child Care and Disabled and Elderly Household Members

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Number of Children Under Age 2 in Child Care		
None	94.7	98.2
1	4.4	0.8
2	0.9	1.0
Number of Children Aged 2-5 in Child Care		
None	89.7	94.0
1	9.7	6.0
2	0.6	0.0
Number of Children Aged 6-12 in Child Care		
None	89.0	92.7
1	7.3	6.9
2	3.0	0.5
3 or More Children	0.6	0.0
Whether Any Members of Household Disabled		
Yes	4.5	6.2
No	95.5	93.8
Whether Any Members of Household Are Elderly Dependent Parents		
Yes	3.1	2.5
No	96.9	97.5

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 1.13
Spouse Employment
(Multiple answers may result in totals of more than 100 percent, while rounding may, in some cases, result in totals slightly over or under 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Number of Hours Per Week Spouse/Partner Usually Works*		
Under 25	19.6	22.1
25 to 34	5.5	3.9
35 to 40	49.2	55.3
41 or More	25.7	18.7
Total Number of Hours Usually Worked Before 8 A.M./ After 6 P.M. Mon-Fri		
Under 5	55.1	47.1
6 to 9	7.8	8.0
10 to 19	16.9	13.8
Over 20	20.2	31.1
Work-Schedule-Related Aspects of Spouses Main Job**		
Requires Work at Home	10.6	9.6
Requires Work at Home by Computer/Modem	8.5	4.4
Requires Work Starting Before 8 A.M.	21.0	14.4
Requires Work Starting After 6 P.M.	10.6	12.8
Requires Split Shifts	4.2	2.3
Requires a Workday of More than 8 Hours	18.1	11.7
Requires Day and Night Rotating Shifts	6.3	7.1
Requires Night Shifts	5.5	6.2
Requires Work Travelling Out of Town Overnight	5.6	2.3
Requires Work on Weekends	15.4	13.1
Requires Weekends Travelling away from Home	4.0	1.7
Requires More than 40 Hours of Work Per Week	15.9	14.8
Job Has an Unpredictable Schedule	13.2	15.7
He/She Can Set His/Her Own Work Schedule	9.3	15.4
On-Call, Irregular Schedule	8.8	7.6
Job Is During Daytime, Monday to Friday	38.2	30.7
Spouse Does Not Work Outside the Home	36.7	34.5

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial sector workers (see Section C.2 for additional information on weighting). The tables are based on a sample of 468 federal-sector workers and 144 provincial-sector workers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* These percentages are based on the subsample reporting spouse is employed. This subsample was comprised of 278 federal-sector workers and 85 provincial-sector workers.

** Percent reporting always or regularly at each type of schedule.

B.2 Employer Survey Results

Overview and list of statistical tables. Statistical results are presented in the following pages for employer answers to key questions on CWW and NSW, particularly characteristics of the main job, schedules, and changes employers would like to see in workplaces.

List of Statistical Tables:

2.1A: Employer Characteristics: Industry/Size
2.1B: Employer Characteristics: Benefits for Full-time Employees
2.2A: Benefits for Part-time Workers
2.2B: Benefits for Contract Workers
2.3A: Average Hours of Work and Hours of Overtime for Categories of Employees
2.3B: Hours of Work and Pay Practices
2.4A: Use of Unusual Work Schedule for Full-time Staff
2.4B: Use of Unusual Work Schedule for Part-time Staff
2.5A: Incidence of Use of Home Workers
2.5B: Policy and Assessment of Use of Home Workers
2.6: The Workplace and Life-Long Learning
2.7A: Employer Self-Assessments of the Work Environment
2.7B: Research and Best Practices Regarding Work Environment
2.8: Work and Family and Personal Life
2.9: Improving Workplace Practices
2.10: Work Practices Seen As Improving Your Workplace
2.11: Work Practices Seen As Possible Priorities for Government
2.12A: Distribution of Workforce Time
2.12B: Distribution of Workforce by Type
2.13: Changes in the Workforce in Past 2 Years
2.14A: Mean Ranking of Business Strategies in Order of Importance
2.14B: Labour Force and Business Strategies
2.15: Other Workforce Characteristics

DISPLAY 2.1A

Employer Characteristics: Industry/Size

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Industry/Sector		
Banking (Federally Regulated Banks)	1.5	0.0
Other Financial Institutions	0.2	3.0
Crown Corporation	1.2	0.1
Trucking	53.7	1.3
Other Transportation	14.9	0.4
Human Services (Health, Education, Social Services)	0.5	20.5
Services (Restaurants/Hotels/Business, Etc.)	0.1	18.3
Government (Federal/Provincial/Municipal)	1.7	4.6
Retail/Wholesale	0.2	19.8
Telecommunications	10.7	1.3
Other Communications	4.2	1.1
Grain, Feed, and Fertilizer	4.5	0.0
Manufacturing	0.2	19.2
Natural Resources	0.2	2.7
First Nations	6.7	0.0
Other	0.2	7.9
Total Number of Employees		
1-19	48.9	52.7
20-49	22.5	17.8
50-99	18.6	15.9
100-499	6.3	5.8
500-999	2.2	4.6
1,000 and over	1.4	3.3

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.1B

Employer Characteristics: Benefits for Full-time Employees
(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
General Employee Benefits (percent Offered)		
Paid Sick Leave	55.7	72.1
Medical Plan	69.6	71.9
Dental Plan	54.1	66.4
Employer Disability Insurance	60.0	66.3
Employer Pension Plan in Addition to CPP/QPP	34.5	53.1
Day-care on Site or Related Child-Care Benefits	1.8	3.8
Employer Top-Up of EI Maternity Leave Benefits	11.0	15.1
Paid Leave for Emergencies for Children	33.3	40.3
Paid Leave for Emergencies for Elderly Parents	22.1	30.3
Paid Educational Leave	13.2	15.1
Paid Holidays of More than 2 Weeks Per Year	63.5	62.2
Employee Assistance Program	24.6	23.4
Tenure (Job Security)	16.6	10.1
None of the Above	6.7	10.7
Other Work-Arrangement Benefits		
Flextime	21.7	27.4
One Week's Notice of Changes in Schedules	19.2	21.2
Job-Sharing	8.5	14.0
On-the-Job Training	53.2	55.1
Unpaid Leave for Emergencies for Children	41.8	43.1
Unpaid Leave for Emergencies for Elderly Parents	38.3	34.3
Unpaid Educational Leave	21.3	30.6
Sabbatical Leave	7.4	9.5
Political Leave	6.0	13.7
None of the Above	15.0	13.2

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.2A
Benefits for Part-time Workers*
(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
General Employee Benefits		
Paid Sick Leave	13.9	17.4
Medical Plan	16.6	19.5
Dental Plan	12.5	17.9
Employer Disability Insurance	12.8	17.4
Employer Pension Plan in Addition to CPP/QPP	8.9	13.9
Day-care on Site or Related Child-Care Benefits	1.1	2.0
Employer Top-Up of EI Maternity Leave Benefits	4.7	5.5
Paid Leave for Emergencies for Children	8.9	10.8
Paid Leave for Emergencies for Elderly Parents	6.3	7.1
Paid Educational Leave	2.5	2.3
Paid Holidays of More than 2 Weeks Per Year	12.8	17.4
Employee Assistance Program	11.9	11.2
Tenure (Job Security)	5.4	2.5
None of the Above	13.2	14.9
Other Work-Arrangement Benefits		
One Week's Notice of Changes in Schedules	10.5	15.8
Job-Sharing	6.0	9.2
On-the-Job Training	29.8	35.7
Unpaid Leave for Emergencies for Children	28.4	29.6
Unpaid Leave for Emergencies for Elderly Parents	26.0	26.0
Unpaid Educational Leave	14.8	16.8
Sabbatical Leave	4.5	2.4
Political Leave	3.6	3.1
None of the Above	10.7	10.1

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent offered for each.

DISPLAY 2.2B
Benefits for Contract Workers*
(Multiple answers result in totals other than 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
General Employee Benefits		
Paid Sick Leave	1.8	1.1
Medical Plan	7.2	1.1
Dental Plan	7.2	1.0
Employer Disability Insurance	5.1	1.9
Employer Pension Plan in Addition to CPP/QPP	0.9	0.0
Day-care on Site or Related Child-Care Benefits	0.0	0.8
Employer Top-Up of EI Maternity Leave Benefits	0.0	0.0
Paid Leave for Emergencies for Children	0.9	0.2
Paid Leave for Emergencies for Elderly Parents	0.2	0.0
Paid Educational Leave	0.9	0.0
Paid Holidays of More than 2 Weeks Per Year	1.6	1.0
Employee Assistance Program	3.4	2.5
Tenure (Job Security)	0.9	0.0
None of the Above	13.2	14.2
Other Work-Arrangement Benefits		
Flextime	6.0	6.0
One Week's Notice of Changes in Schedules	2.2	3.8
Job-Sharing	1.3	0.0
On-the-Job Training	9.4	7.1
Unpaid Leave for Emergencies for Children	12.8	8.9
Unpaid Leave for Emergencies for Elderly Parents	11.6	9.6
Unpaid Educational Leave	7.8	3.1
Sabbatical Leave	1.8	0.0
Political Leave	0.9	0.0
None of the Above	9.8	8.7
No Contract Workers	61.3	78.9

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent offered for each.

DISPLAY 2.3A

Average Hours of Work and Hours of Overtime for Categories of Employees

	Federal Sector (%)	Prov/Terr. Sectors (%)
Average Hours of Work Per Week for Full-time Employees	42	38
For Part-time Employees	23	25
For Dependent Contract Workers	35	28
For Other Contract Workers	23	15
For Temporary/Seasonal/Occasional Workers	28	29
Average Hours of Overtime/Week for Full-time Employees	7	5
For Part-time Employees	2	3
For Dependent Contract Workers	3	1
For Other Contract Workers	1	0
For Temporary/Seasonal/Occasional Workers	3	2

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.3B

Hours of Work and Pay Practices

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
How Overtime Is Paid for Salaried Workers		
Overtime Is Paid	20.4	18.5
At Time and a Half	72.9	68.4
At Straight Time	22.9	21.5
At Other Rate	4.2	10.1
Time Off in Lieu of Overtime Pay	39.1	38.5
At Time and a Half	43.1	26.2
At Straight Time	52.0	59.8
At Other Rate	4.9	13.9
Considered in an Annual Review	13.0	18.9
Reflected in Bonuses	17.7	18.0
No Compensation for Overtime	13.2	17.3
How Overtime Is Paid for Hourly Workers		
Overtime Is Paid	32.0	33.2
At Time and a Half	83.7	84.6
At Straight Time	13.7	10.9
At Other Rate	2.6	4.5
Time Off in Lieu of Overtime Pay	20.1	17.0
At Time and a Half	62.2	50.8
At Straight Time	31.1	37.3
At Other Rate	6.8	12.0
Considered in an Annual Review	2.0	3.0
Reflected in Bonuses	3.4	1.2
No Compensation for Overtime	1.3	0.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.4A

Use of Unusual Work Schedule for Full-time Staff (Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Schedules for Full-time Staff*		
Requires Work at Home	5.7	11.2
Requires Work at Home by Computer/Modem	6.6	8.0
Requires Work Starting Before 8 A.M.	54.7	41.3
Requires Work Starting After 6 P.M.	36.2	30.2
Requires Split Shifts	18.3	12.2
Requires a Workday of More than 8 Hours	44.2	34.8
Requires Day and Night Rotating Shifts	22.4	19.8
Requires Night Shifts	25.3	25.7
Requires Work Travelling Out of Town Overnight	37.5	25.3
Requires Work on Weekends	44.1	32.1
Requires Weekends Travelling away from Home	24.1	10.0
Requires More than 40 Hours of Work Per Week	45.0	30.8
The Job Has an Unpredictable Schedule	39.3	19.8
Employees/Workers Can Set Their Own Work Schedules	9.5	11.6
On-Call, Irregular Schedule	30.4	18.1
The Job Is During the Daytime, Mon-Fri	67.3	84.6

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* A four-point scale was used, where A = always; R = regularly; O = occasionally; and N = never. The percentages shown were obtained based on the proportion of responses indicating "Always" or "Regularly."

DISPLAY 2.4B

Use of Unusual Work Schedule for Part-time Staff

(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Schedules for Part-time Staff*		
Requires Work at Home	4.4	5.1
Requires Work at Home by Computer/Modem	5.6	6.6
Requires Work Starting Before 8 A.M.	34.5	24.1
Requires Work Starting After 6 P.M.	29.8	32.4
Requires Split Shifts	12.9	13.1
Requires a Work Day of More than 8 Hours	18.5	15.1
Requires Day and Night Rotating Shifts	14.0	21.2
Requires Night Shifts	18.7	16.9
Requires Work Travelling Out of Town Overnight	14.6	2.0
Requires Work on Weekends	37.8	26.5
Requires Weekends Travelling away from Home	14.2	4.5
Requires More than 40 Hours of Work Per Week	13.4	8.4
The Job Has an Unpredictable Schedule	27.5	18.4
Employees/Workers Can Set Their Own Work Schedules	11.7	13.9
On-Call, Irregular Schedule	22.4	25.1
The Job Is During the Daytime, Mon-Fri	50.6	73.0
Number of Employees Who Work Before 8 A.M. or After 6 P.M., Mon-Fri		
Less than 5%	20.8	31.5
6% to 10%	8.7	8.8
11% to 15%	1.9	3.4
16% to 20%	6.8	10.1
Over 20%	61.8	46.2

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* A four-point scale was used, where A = always; R = regularly; O = occasionally; and N = never. The percentages shown were obtained based on the proportion of responses indicating "Always" or "Regularly."

DISPLAY 2.5A

Incidence of Use of Home Workers

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Whether Any Employees Ever Work from Home		
Yes	25.5	32.1
No	74.5	67.9
Number of Full-time Employees Who Work at Home*		
Less than 5	93.3	64.6
6 to 10	2.2	15.9
11 to 15	0.0	1.8
16 to 20	0.0	9.1
Over 20	4.4	8.6
Number of Part-time Employees Who Work at Home*		
Less than 5	100.0	97.4
16 to 20	0.0	2.6
Number of Other Full-time Employees Who Work at Home*		
Less than 5	85.0	57.9
6 to 10	5.0	5.9
11 to 15	2.5	0.0
16 to 20	2.5	27.1
Over 20	5.0	9.1
Number of Other Part-time Employees Who Work at Home*		
Less than 5	91.7	73.3
6 to 10	4.2	23.3
16 to 20	0.0	1.3
Over 20	4.2	2.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* These percentages are based on the subsample reporting use of at-home workers. This subsample was comprised of 111 federal-sector employers and 41 provincial-sector employers.

DISPLAY 2.5B

Policy and Assessment of Use of Home Workers

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Whether Firm Does/Will Encourage Work from Home		
We Encourage Workers to Work from Home Now	4.3	10.4
We Will Encourage Workers to Work from Home	5.3	8.5
No	90.4	81.1
Main Reason for Encouraging Employees to Work from Home*		
Improved Productivity	35.9	25.0
Reduced Office Costs	10.3	17.6
Reduces Overhead at the Office/Plant	10.3	2.1
Attracts and Holds Valuable Employees/Workers	15.4	16.9
Response to Employee/Worker Requests	23.1	19.7
Other	5.1	18.7
Whether Firm Provides Equipment for Work at Home**		
Yes	62.7	55.3
No	37.3	44.7
Firm's Satisfaction with Employees Working from Home**		
No Employees/Workers Work from Home	49.7	42.7
Unsatisfactory	0.5	0.2
Satisfactory	35.4	40.1
Excellent	14.4	16.9

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* These percentages are based on the subsample reporting they encourage employees to work from home. This subsample comprised 19 federal-sector employers and 13 provincial-sector employers.

** These percentages are based on the subsample reporting that employees work from home. This subsample was comprised of 111 federal-sector employers and 41 provincial-sector employers.

DISPLAY 2.6
The Workplace and Life-Long Learning
(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
How Firm Helps Employees with Training/Education?		
Allows Work-Schedule Adjustments	34.5	39.4
Allows Time Off with Pay for Training/Education	35.6	34.5
Allows Time Off without Pay for Training/Education	21.7	27.3
Pays Fees/Tuition	45.2	56.3
Other	4.7	6.3
None of the Above	21.9	18.3
Are Alternative Work Arrangements Offered to Aid Employees' Learning?		
Yes	65.9	67.0
No	34.1	33.0
How Firm Helps Employee's Learning in Following Ways*		
Ability to Develop Work Skills on the Job	66.2	66.5
Ability to Develop Work Skills off the Job	41.6	50.7
Ability to Undertake Formal Studies (Univ./College)	29.8	35.9
Ability to Undertake Self Study	35.8	43.8
Is Firm Ever Disrupted by Employee Pursuits of Education?		
No Employees Pursue Education Outside of Work	42.4	27.1
Work Is Sometimes Disrupted by Educational Efforts	20.4	26.6
Employee Education Is Fully Compatible with Our Work	18.5	31.7
Don't Know	18.7	14.5
Has Firm Conducted Studies to Assess Employees' Training Needs?		
Yes	16.2	26.7
No, But Could Be Useful	30.8	34.0
No, Not Needed	53.1	39.3
Are There Particular Innovations Used to Help Employees' Training?		
Yes	23.6	34.2
No	76.4	65.8

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* A five-point scale was used, where 1 = firm hinders; and 5 = firm helps. The percentages shown were obtained based on the proportion of responses indicating 4 and 5.

DISPLAY 2.7A
Employer Self-Assessments of the Work Environment
(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Good-to-Excellent Rating of Workplace Environment Regarding:*		
Extent to Which Employers Use Employee's Skills	64.6	65.6
How Productive Employees Are on the Job	67.7	72.9
Learning Opportunities in the Workplace	53.7	64.8
Personal Fulfilment of the Work for Employees	55.0	63.0
Employee/Worker Participation in Workplace Decisions	43.8	54.1
Safety and Healthiness of the Workplace	77.5	79.1
Absence of Sexual Harassment in the Workplace	90.7	91.7
Absence of Other Harassment in the Workplace	83.6	90.4
Absence of Stress at the Workplace	30.2	27.7
Work Schedule	55.1	59.7
Workplace As Offering a Secure Career Future	49.5	49.1
How the Workplace Affects Family Life	41.4	52.5
Income Provided to the Employee/Worker	61.7	61.6
How Well Compensation Matches the Work Done	63.8	67.2
Recognition of Employee Accomplishments	56.8	59.3
Firm's Commitment to/Concern for Employees	69.1	73.1
Key Benefits That Go with the Job	55.9	68.1
Other Benefits (Child Care, Etc.)	22.2	27.6
Opportunity to Change Jobs Horizontally	23.7	30.7
Opportunity for Employee Advancement	33.6	42.9

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* A five-point scale was used, where 1 = poor; and 5 = excellent. The percentages shown were obtained based on the proportion of responses indicating 4 and 5.

DISPLAY 2.7B

Research and Best Practices Regarding Work Environment

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Has Firm Conducted Studies to Assess Quality of Workplace Environment?		
Yes	16.4	20.6
No, But Could Be Useful	34.8	37.3
No, Not Needed	48.8	42.1
Does the firm Have Any Best Practices to Improve Quality of Work Environment?		
Yes	28.5	31.0
No	71.5	69.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.8
Work and Family and Personal Life
(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Ways Employees' Family/Personal Life Is Hindered by Work:*		
Ability of Employees to Spend Time with Their Spouse/Partner	18.7	9.6
Ability to Spend Time with Children	18.4	9.7
Ability to Arrange Child Care	16.7	10.4
Ability to Meet Responsibilities to Parents	7.9	5.5
Ability to Communicate with Children by Phone	3.9	2.5
Ability to Balance Family and Work Overall	8.5	4.4
Ability to Provide an Adequate Income for Families	4.6	7.2
Ability to Provide a Secure Future for Families	6.6	11.2
Ability to Spend Leisure Time with Friends	10.7	11.0
Ability to Maintain Health	5.5	3.6
Ability to Participate in the Community	16.7	11.5
Ability to Spend Time Doing Other Things	11.0	7.5
Whether Employees' Family Needs Ever Disrupt Work		
No Employees/Workers Have Such Family Needs	9.8	9.3
Work Is Sometimes Disrupted by Family Needs	41.2	51.1
Employee Family Needs Fully Compatible with Firm's Work	27.3	20.5
Don't Know	15.4	10.3
Has Firm Conducted Studies to Assess Impact of Work On Family Life?		
Yes	3.5	5.3
No, But Could Be Useful	41.9	46.6
No, Not Needed	54.6	48.1
Does Firm Have Any Best Practices That Improve Employees' Family Needs?		
Yes	12.2	12.5
No	87.8	87.5

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses

* A five-point scale was used, where 1 = workplace hinders, and 5 = workplace helps. The percentages shown were obtained based on the proportion of responses indicating 1 and 2

DISPLAY 2.9

Improving Workplace Practices*

(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Giving Employees Right to Time Off in Lieu of Overtime	58.2	61.0
Allowing for More Flextime	40.0	52.8
Allowing for More Job-Sharing	40.3	47.6
More Opportunities for Workers to Work from Home	36.5	57.4
Giving Workers Good Notice of Change of Hours	36.2	45.5
Giving Workers the Right to Refuse Overtime	23.9	35.2
Giving Workers the Right to Refuse Undue Shift Work	19.5	28.3
Giving Workers Right to Refuse Travel from Home	22.6	28.2
Encouraging Unpaid Leave for Educ. Upgrading	36.0	47.2
Encouraging Paid Leave for Educ. Upgrading	27.5	38.2
Encouraging Employers to Provide Skills Training	54.1	60.5
Encouraging Sabbaticals for Skill Upgrading	20.4	26.4
Providing More for Employees Needing Child Care	25.1	36.5
Helping Employees Access Services (Counselling, Etc.)	34.9	43.0
Providing Paid Leave for Family Emergencies	27.7	38.9
Providing Unpaid Leave for Family Emergencies	38.7	41.1
Ensuring Employee Benefits Be Easily Transferred	32.0	37.9
Improving Policies on Sexual Harassment	29.3	38.5
Improving Policies on Other Types of Harassment	31.3	36.4
Improving Health and Safety in the Workplace	43.2	49.8
Improving Worker Job-Security Provisions	26.8	32.9
Providing Access to Health and Related Benefits for Self-employed	24.6	29.2
Providing Access for Self-employed to Benefits usually Provided in Unions	13.0	18.1
Protecting the Self-employed With Labour Standards	17.7	21.8

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate ±5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only ±11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent indicating these practices should be encouraged.

DISPLAY 2.10

Work Practices Seen As Improving Your Workplace*

(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Giving Employees Right to Time Off in Lieu of Overtime	15.9	12.4
Allowing for More Flextime	14.3	22.2
Allowing for More Job-Sharing	10.7	10.0
More Opportunities for Workers to Work from Home	11.9	16.1
Giving Workers Good Notice of Change of Hours	2.7	2.9
Giving Workers the Right to Refuse Overtime	1.8	0.9
Giving Workers the Right to Refuse Undue Shift Work	2.2	1.9
Giving Workers Right to Refuse Travel from Home	2.0	3.4
Encouraging Unpaid Leave for Educ. Upgrading	6.5	5.6
Encouraging Paid Leave for Educ. Upgrading	8.1	8.1
Encouraging Employers to Provide Skills Training	15.2	16.2
Encouraging Sabbaticals for Skill Upgrading	3.8	6.8
Providing More for Employees Needing Child Care	6.7	8.6
Helping Employees Access Services (Counselling, Etc.)	6.0	10.2
Providing Paid Leave for Family Emergencies	6.0	5.7
Providing Unpaid Leave for Family Emergencies	4.3	6.0
Ensuring Employee Benefits Be Easily Transferred	6.7	8.3
Improving Policies on Sexual Harassment	0.9	2.9
Improving Policies on Other Types of Harassment	3.1	1.2
Improving Health and Safety in the Workplace	9.8	9.7
Improving Worker Job-Security Provisions	6.5	5.8
Providing Access to Health and Related Benefits for Self-employed	2.7	3.7
Providing Access for Self-employed to Benefits usually Provided in Unions	0.9	1.9
Protecting the Self-employed with Labour Standards	0.9	1.1
None Are Needed	29.1	29.3

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent of employers indicating top three as relevant to their firm.

DISPLAY 2.11

Work Practices Seen As Possible Priorities for Government*

(Multiple answers result in totals of over 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Giving Employees Right to Time Off in Lieu of Overtime	11.0	8.1
Allowing for More Flextime	5.4	9.2
Allowing for More Job-Sharing	6.9	8.0
More Opportunities for Workers to Work from Home	5.6	8.0
Giving Workers Good Notice of Change of Hours	0.9	2.7
Giving Workers the Right to Refuse Overtime	2.0	3.3
Giving Workers the Right to Refuse Undue Shift Work	1.1	1.1
Giving Workers Right to Refuse Travel from Home	2.5	0.2
Encouraging Unpaid Leave for Educ. Upgrading	4.7	10.2
Encouraging Paid Leave for Educ. Upgrading	7.6	10.1
Encouraging Employers to Provide Skills Training	13.9	17.0
Encouraging Sabbaticals for Skill Upgrading	3.4	4.0
Providing More for Employees Needing Child Care	13.0	22.6
Helping Employees Access Services (Counselling, Etc.)	6.9	8.9
Providing Paid Leave for Family Emergencies	6.0	8.1
Providing Unpaid Leave for Family Emergencies	2.5	4.1
Ensuring Employee Benefits Be Easily Transferred	8.5	9.8
Improving Policies on Sexual Harassment	4.5	4.7
Improving Policies on Other Types of Harassment	5.4	4.4
Improving Health and Safety in the Workplace	11.2	8.5
Improving Worker Job-Security Provisions	6.7	12.2
Providing Access to Health and Related Benefits for Self-employed	6.7	13.2
Providing Access for Self-employed to Benefits usually Provided in Unions	3.6	6.0
Protecting the Self-employed with Labour Standards	7.8	9.9
None Are Needed	24.4	15.2

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Percent of employers identifying as top three priorities.

DISPLAY 2.12A

Distribution of Workforce Time*

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Full-time Employees	79.7	78.3
Part-time Employees	6.9	13.6
Temporary, Seasonal, Occasional Workers	1.7	5.9
Contract Workers Who Work Mainly for Your Firm	10.9	1.9
Other Contract Workers	0.8	0.2

* Mean percentage of firm's total annual labour hours.

DISPLAY 2.12B

Distribution of Workforce by Type*

(Multiple responses mean that answers do not total 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Males	62	55
Females	38	45
Percent University Graduates	13	27
Over Age 50	14	18
Under Age 16	1	0
Hourly Employees	43	48
Salaried Employees	40	44
Employees on Commission	6	7
Work at Minimum Wage	1	3
Covered by Collective Agreement	29	34
Usually Work Over 40 Hours a Week	41	26
Percent Work Regularly at a Off-Hour Schedule	28	20

The analysis for the above two tables is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Mean percentage of employers in each category.

DISPLAY 2.13
Changes in the Workforce In Past 2 Years
(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Average Hours Have Increased in Past 2 Years for*		
Full-time Employees	21.5	26.6
Part-time Employees	21.8	20.5
Temporary, Seasonal, Occasional Workers	20.2	18.6
Contract Workers Who Work Mainly for You	37.7	15.9
Other Contract Workers	25.3	3.4
Percent of Employers Reporting Increases in Employees Who		
Always Work at Home	17.3	17.7
Sometimes Work at Home	30.9	36.4
Usually Work Over 40 Hours Per Week	24.2	35.4
Work Regularly at an Off-Hour Schedule	21.6	25.0

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* The percentages shown were obtained based on the proportion of responses indicating any percentage increase and do not total to 100 percent.

DISPLAY 2.14A
Mean Ranking of Business Strategies in Order of Importance

	Federal Sector (%)	Prov/Terr. Sectors (%)
Reducing Operating (Non-labour) Costs	2.1	2.1
Increasing Employees' Skill Levels	3.0	2.8
Reducing Labour Costs	3.1	3.1
Introducing New Technologies	3.3	3.7
Reorganizing The Work Process	3.6	3.8
Enhancing Labour-Management Co-operation	4.0	4.0
Undertaking Research and Development	5.2	4.9

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.14B

Labour Force and Business Strategies

(Multiple answers are not intended to total 100 percent)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Impact of Hiring Practices on Firm's Operations		
Firm's Hiring Practices Improved Productivity	53.5	67.9
Firm's Hiring Practices Improved Flexibility	53.0	60.2
Firm's Hiring Practices Reduced Costs	32.5	33.6
No Difference for the Firm	36.2	38.7
Most Likely Strategies to Deal with Increased Prod. Needs		
Hire/Recall Former Full-time Staff	31.8	26.5
Hire/Recall Former Part-time Staff	25.7	20.4
Request Overtime from Current Full-time Staff	44.1	53.8
Request More Time from Current Part-time/Occasional Staff	29.5	24.1
Recruit New Staff	58.6	52.1
Recruit New Contract Workers	22.4	21.3
Likely Miss the Business Opportunity	2.2	0.0
Other	3.1	2.5

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

DISPLAY 2.15

Other Workforce Characteristics*

(Some totals may be less than or more than 100 percent due to rounding or less than 100 percent due to respondents not answering subquestions)

	Federal Sector (%)	Prov/Terr. Sectors (%)
Assessment of Firm's Performance in 1997**		
Operating at Full Capacity	74.3	68.2
Expanding Operations	62.2	49.5
Using Overtime More	30.6	27.6
Increasing Full-time Staff	40.4	33.8
Increasing Part-time/Occasional Staff	29.5	31.6
Increasing Contracting/Outsourcing	27.6	30.9
Operating Profitably	58.9	61.7
Current Sales of the Firm As Compared to 5 Years Ago		
Increased by More than 50 percent Compared to 5 Years Ago	23.1	17.4
Increased by 1 to 49 percent Compared to 5 Years Ago	42.9	48.0
Equal to That of 5 Years Ago	15.8	11.7
Declined by 1-49 percent Compared to 5 Years Ago	11.8	20.0
Declined by 50 percent or More Compared to 5 Years Ago	2.1	0.8
Firm/Organization Not in Operation 5 Years Ago	4.3	2.1

The analysis for this table is weighted to broadly represent the population of federal-sector and provincial-sector employers (see Section C.2 for additional information on weighting). The tables are based on a sample of 444 federal-sector employers and 134 provincial-sector employers. Estimates for the federal sample are accurate +5 percent, 95 times in 100. Because of small sample size, provincial estimates are accurate at only +11 percent, 95 times in 100, and should be regarded as indicative only, and comparisons to the provincial sector should be treated mainly as a source of hypotheses.

* Multiple answers are not intended to total 100 percent.

** A 7-point scale was used, where 1 = poorest and 7 = best. The percentages shown were obtained based on the proportion of responses indicating 5, 6, and 7.

Appendix C
Changing World of Work

C.1 Changing World of Work: Some Statistical and Trend Data

C.1.1 The Changing World of Work (CWW)

As Canada approaches a new millennium, it is clear that the *Canada Labour Code* is being challenged in ways which could not be thought of only two decades ago. The basic raison d'être of the Code is still admirable. *The primary objective of the Code is "to establish and protect employees' right to fair and equitable conditions of employment consistent with prevailing social and economic conditions."*

But the key elements in the above statement are being challenged. The key phrases are:

- *protect employees' right;*
- *fair and equitable conditions of employment; and*
- *consistent with prevailing social and economic conditions.*

This report suggests that despite all of the benefits associated with the CWW, it has become more difficult for the Code to protect employees' basic rights, that the evolution of the economy in the 1990s makes it more difficult to provide equitable distribution of employment opportunities, and that social and economic conditions and attitudes have changed significantly in Canada in the 1990s.

What follows is a discussion of how the labour market has changed in Canada in the 1990s, including a brief sketch of some of the forces behind these changes. The main point is that these changes have in effect shifted some employees or individuals out from under the protection of the Code.

A Myriad of Forces Are Changing Canada's Workplace: Labour markets in the industrial countries have been experiencing monumental changes over the past 10 years. These changes are so dramatic that one can quite accurately describe them as a new industrial revolution. We are seeing this new industrial revolution play itself out in the workplace as firms and governments are more determined than at any other time over the past half century to achieve higher levels of production with fewer workers.

Competitive pressures and new technologies are also displacing labour in a manner not seen since the first industrial revolution. This new industrial revolution, combined with increased global competitive pressures and the legacy of recent hard times, makes it more difficult for employers to think of expanding their work forces as they might have in the past. The corporate sector has been at the forefront of downsizing and restructuring, stemming from increased competitive pressures, as well as the introduction of new technologies.

At the nation-state level, a number of forces are at work, including the erosion of the Keynesian welfare state and a sense that government intervention in markets has to be reversed. Virtually all governments have been facing major fiscal constraints and have been curbing spending in order to either lower taxes or pay down their outstanding debt.

The counterpart to the fiscal squeeze has been a shift in non-budgetary delivery mechanisms — public-sector intervention in markets is less acceptable today than in the past, and many of the changed policy directions of the past 10 years have been moves to extricate the public sector from markets and to deregulate the markets as much as is feasible. The deregulation-of-markets trend of course has important meaning for all government policies, including labour standards.

While economists have comfortably argued for generations that mass unemployment is not possible as long as the economy is growing quickly enough, this proposition has less validity today. Even if Canada was lucky enough to replicate a 1980s style economic boom in the emerging new era, the number of regular, full-time new jobs created this time around would be considerably smaller.

In this new, less interventionist government era, it is very common for the governments and the central bank to set targets for inflation and budget deficits, but rarely does one discuss establishing targets for job creation. Moreover, the 1950s-1960s concept of full employment has been completely displaced (and discredited) by the concept of the NAIRU (the non-accelerating inflation rate of unemployment), as a desired public-policy priority. This concept in effect means that society is faced with much higher unemployment than in the past.

This new industrial revolution and the observed trend of slow growth in quality jobs have immense implications for the stability of our society and the regulatory structure which governs the labour market. For some individuals, the opportunities associated with this new industrial revolution, along with the corresponding CWW, provides opportunities for greater personal growth, improved personal flexibility in terms of balancing work and leisure, and opportunities for more stable and higher incomes. For some others, however, there is a reversal of these elements. The opportunities for these persons translate into major economic and family problems. *The bottom line is that portions of the public feel far more insecure and will continue to look to governments to play a role in alleviating their insecurities.*

C.1.2 The Job-Market Dynamics in the 1990s: Some of the Features of the CWW

Statistics Canada Labour Force Survey data suggest that the likelihood of being self-employed has increased sharply over the last 20 years. Indeed, between 1989 and 1996, self-employment accounted for over three-quarters of total jobs created in Canada. Over that same period of time, the number of paid employees increased by only 1 percent. Self-employment accounted for 18 percent of employment in 1996, up from 14 percent in 1989 and 12 percent in 1976.

Employment Growth in Canada — Year Over Year Change, 000s

	1990	1991	1992	1993	1994	1995	1996	1997 (9 mos.)
Total Change	79	-249	-74	173	277	214	171	228
Private Sector	97	-274	-120	193	280	302	180	266
Self-empl.	80	31	16	120	55	24	131	256
Paid empl.	17	-305	-136	73	225	278	49	10
Public Sector	-19	25	46	-21	-3	-88	-9	-38
Full-time	11	-355	-106	67	264	198	90	156
Part-time	68	106	32	106	13	16	80	72

Source: Clayton Research, based on Statistics Canada data, October 1997.

And as Statistics Canada indicates in its November 7, 1997 INFOMAT publication, "although this increase in self-employment has been considerable for both sexes, it has been more pronounced for women. In 1976, women represented just over one-quarter (26 percent) of the self-employed, but by 1996, they made up about one-third (33 percent) of this group. The incidence of self-employment is not uniform across all sectors. More than two-thirds of self-employed persons worked in the service sector in 1996. In 1996, only 12 percent of the self-employed were pushed into business ownership because there was no other work available. Even though the average earnings of the self-employed are below that of paid workers, the self-employed are more likely to make either small or large amounts of money."

The job-market figures presented in the table above highlight many of the important labour-market developments which have some bearing on the CWW issue and the role of labour-market standards. For example, the 1990-91 recession cut private sector employment heavily — 305,000 jobs were lost in 1991 and a further 136,000 in 1992. Employment in the private sector only expanded strongly in 1994, 1995, and 1997. The other developments which stand out in this table are that the new jobs created are primarily in self-employment, and part-time jobs account for a disproportionate amount of recent job creation in Canada. Note as well that self-employment contributes strongly to job creation in the 1990s and most of the private-sector jobs in 1997.

C.1.3 Important Changes Which Describe the CWW (Based on Our Initial Literature Review, Empirical Data, and Other Social Trends)

A number of prominent empirical features of the CWW have bearing on the goals and operations of labour standards regulations. Our survey information sheds specific light on the importance of these changes to stakeholders, including employees, self-employed individuals, and employer groups. Key changes are noted under headings (a) to (k).

a) Rapid Growth in Self-Employment Compared to Regular, Full-time Employment: As already indicated, over the past decade the bulk of new jobs created were classified by Statistics Canada as self-employment. Indeed, Statistics Canada data indicate that self-employment has grown particularly rapidly among older workers, as approximately 4 in 10 are 45 years of age or older.

We know that there can be an unusual dependency relationship at work in self-employment. While a person can be described as legally "self-employed," nevertheless in practice he or she may work continuously for a single client (in effect, an employer). As a self-employed person, this individual has only limited (perhaps no) protection under labour standards and of course is not entitled to non-wage fringe benefits paid to regular employees.

A highly visible case in point (though not in the federal sector) is dependent contractors, such as home-based garment workers. Many, we are told, earn below the statutory minimum wage for time actually worked. The problem of the work relationship and lack of "protection" may be widespread in other sectors as well, though hard information relating to dependent contractors is lacking.

b) Contingent Work/Non-standard Work Becomes More Prominent: *The Report of the Advisory Group on Working Time and the Distribution of Work* (1994, Chapter 3) noted that the non-standard workforce is growing faster than standard, full-time employment. This has important implications for employment standards. Contingent and non-standard work (NSW) includes part-time work, temporary or contract jobs, moonlighting jobs, and self-employment, as well as (as conceptualized below) work outside the more traditional daytime Monday-to-Friday schedule. We also know that this rapidly growing new type of work is less prone to be unionized and more likely to rely on contracting out of services and that many of the employees experience significant wage, benefit, and security penalties, as a result of their non-traditional employment status.

It is important to underscore the fact that not all non-standard jobs are necessarily bad. While the empirical data are poor, we do know that many non-standard workers are consultants, professionals, and trades people who have left regular jobs to increase their incomes or to achieve more independence. Non-standard employment may also be preferred by many women with young children or may be seen as entry-level jobs for those in school or universities. Some temporary workers also gain valuable experience that leads to a permanent job.

Nonetheless, in its 1990 report, the Economic Council of Canada expressed serious concern about the rapid growth of non-standard jobs, which, it said, "is undermining the economic security of a significant and growing portion of the work force (which) may have negative consequences for the fabric of Canadian society." This concern has been reported continuously in many other reports and studies.

c) The Newer Emphasis on Flexible Working Schedules: The trend towards NSW and new flextime work arrangements seemed to emerge together. As Ernest B. Akyeampong has observed ("Flexitime Work Arrangements," in *Perspectives*, Statistics Canada, Autumn 1993, pp.17-22), a flextime schedule allows an employee to vary the beginning and end of a workday, with certain limits (i.e., "core hours" must be respected). The Statistics Canada report notes that in November of 1991, some 1.7 million employees, accounting for 16 percent of the paid workforce aged 15 to 64, reported being on a flextime arrangement in their main job. Three forces at work suggested to the author that flextime would increase in importance — an increase in the incidence of flextime, the growing prevalence of flextime in the service sector, and recent public discussions and forums dealing with balancing conflicting family and work responsibilities.

d) Rapid Growth in Part-time Employment: There has been considerable attention paid to this phenomenon in the business and academic literature. The *Report of the Advisory Group on Working Time and the Distribution of Work* (1994, Chapter 3) and *Statistics Canada* data (*Canadian Economic Observer, Table 8, Labour Force Statistics*, August 1998, p. 15) also indicate that part-time and temporary jobs have grown faster than full-time, permanent jobs in the 1990s. Similar developments are noted regarding full-time/part-time employment growth in other industrial countries.

Quantifying all of the causal factors and their relative importance in the evolving CWW is impossible. Key factors behind the trend towards part-time rather than full-time employment are:

- new technologies, which have spurred a change in both quantity and quality of labour input and have also spurred changes in management practices in work settings;
- changes in management practices, which were induced by the recent period of hard economic times;
- cost factors, which have driven up the relative cost of full-time employees, compared to alternative labour sources; and
- demographic and social developments.

In plain words, the structure of the labour market today in Canada is very different from that of even 10 years ago. Part-time and temporary jobs have grown faster than full-time employment in Canada, partly because of such temporary factors but also because of major structural changes in the way labour markets can now operate. It is quite possible that the non-standard job of today will become the "standard" job of tomorrow. Certainly, governments in Canada acknowledge that young people entering the labour force are having major difficulties in finding full-time, permanent jobs.

In Canada, part-time employment is usually thought of as describing those who work less than 30 hours per week. Part-time employees can also be regularly employed or temporary employees. Part-time employment is a flexible, cost-effective way of hiring from an employer perspective. Part-time employment provides companies with a way to screen new recruits prior to providing permanent positions. Part-time employment also provides individuals with the flexibility to balance off their work and other activities (schooling, etc.).

The plus to this is that part-time work permits individuals to become entrepreneurs and create areas of specialization. The downside of part-time work is that non-wage benefits (extra medical coverage, dental plans, etc.) are poor, since such benefits tend mostly to be offered by large, unionized employers.

Once again, it is important to stress that not all part-time jobs are bad jobs. Some part-time work provides good pay and benefits, as well as stable employment and prospects for advancement. It is preferred by many working people, particularly women with young children. Or a part-time, entry-level position may suit the person attending school, college, or university and seeking valuable work experience.

On this subject, Dave Broad observes that improving the working and social welfare conditions of part-time and other casual workers was the intent of recent amendments (Bill 32) to the Saskatchewan *Labour Standards Act*. (Broad, Dave. "The Casualization of the Labour Force," in *Good Jobs, Bad Jobs, No Jobs: The Transformation of Work in the 21st Century*, Harcourt Brace Canada, 1997, pp. 53-73). The original intent of the Saskatchewan legislation was to provide part-timers with more control over their work and family lives. The original plan was to provide the following:

1) a provision requiring one week's advance notice of work schedules and changes;

2) a provision stipulating that employers grant an unpaid meal break of at least 30 minutes within every six or more consecutive hours of work;

3) an "additional hours of work" provision, which would allow part-time workers with seniority to pick up extra hours when they become available; and

4) a provision requiring employers who give benefit packages to full-time workers to give the same benefits to part-time workers who work 15 or more hours per week, prorated according to hours worked, to prevent employers from replacing full-time workers with part-time workers to escape employee-benefit costs.

All of the above provisions were enacted except that of extra hours of work, and the provisions were limited to workplaces with 10 or more full-time-equivalent employees and, in the case of employee benefits, limited to sites where benefits already exist.

These adjustments meant that less than 10 percent of part-time workers in the province were affected by the new enactments.

e) Temporary Workers: Temporary employment is clearly one of the characteristics of the CWW. Temporary workers include those hired for short-term assignments via temporary-help agencies and workers hired directly by firms on short-term contracts.

According to the Canadian Council on Social Development (*Insight No. 3*, November 1995), there were more than half a million temporary workers in Canada in 1995, representing about 5 percent of the work force. As explained above, the current trend towards downsizing, contracting out of services, and flexibility results in the hiring of more temporary workers than in the past.

Temporary work has a number of advantages and disadvantages for both workers and employers. Temporary employment provides flexibility to firms and individuals and allows firms to tailor their workforces to meet fluctuations in labour requirements in a cost-effective way. But temporary workers also earn a lower average wage and are less likely to receive non-wage benefits and protection. Temporary workers may in some cases be legally defined as self-employed contractors and, in that situation, do not have the rights and protections of regular employees. As the Council observes, temporary workers, who are for all intents and purposes employees of a firm because they are designated self-employed contractors, do not receive sickness pay, statutory holidays, bereavement or vacation leave, severance pay upon termination, and employers do not pay Employment Insurance, Canada Pension Plan, or Quebec Pension Plan premiums on their behalf. Few temporary and contract workers are covered by benefit plans, and, almost by definition, all have very insecure incomes.

Aside from the relatively few consultants who can command high fees and move from client to client, the appeal of temporary work is probably that it offers an opportunity to earn while looking for a regular position. Some contract workers are able to do that, while many are left to move from temporary contract to temporary contract. Others may go from a temporary job to a period of unemployment.

f) Telecommuting and Home (Office) Work: Telecommuting refers to the basic notion of individuals doing a conventional job from home, electronically, instead of at an employer's premises. Telecommuters may be contract employees or self-employed. Some experts believe that in the future over one-half of all work could become telework. Telework is tied to the information highway. The new technology suggests that such jobs/work will continue to be generated as the economy expands.

Kay Stratton Devine, Laurel Taylor, and Kathy Haryatt ("The Impact of Teleworking on Canadian Employment," in *Good Jobs, Bad Jobs, No Jobs: The Transformation of Work in the 21st Century*, Harcourt Brace Canada, 1997, pp. 97-116), in a recent article, explored this trend of employees who work at home with a focus on telework by individual employees, co-workers, managers, organizations, and unions. The authors concluded that many unions oppose telework arrangements because of concerns over employee exploitation (poor working conditions), health and safety problems (stress, depression, lack of rest breaks, poor ergonomics), lack of social cohesion (isolating environment), and no representation from labour in making teleworking arrangements. From an employee perspective, one misconception, the authors point out, is that working at home will assist in child-care arrangements and will help unite families. Teleworking is not a solution to the child-care problem, especially for pre-schoolers. Anyone who needs child-care facilities to go to work will also need them to work at home.

The telecommuting direction poses a significant challenge for labour standards enforcement. In practical terms, telecommuting results in the creation of additional small firms and/or entities. Further, the chances are that the incidence of new firm starts will increase because cheaper technologies have reduced the cost of starting up a small business. As discussed in the section on self-employment, firms become smaller and the boundaries between employers and employees may break down; that is,

- Is the affected individual an employee in the ordinary sense of the word, who simply happens to earn pay and benefits in a different form?
- Is the individual a truly independent and self-employed contractor?

In both of the previous descriptions, the individual is for legal and tax purposes the owner/operator of a small business; but in the former case, he/she has lost the protection of labour standards, whereas in the latter case labour standards protection may not be needed or desired by the owner/operator of a firm.

g) Because of Continuous Restructuring, Job Insecurity Is Widespread, Even Among High-Earning Professions: This is clearly a manifestation of the CWW. Surveys suggest that job-market insecurity has become far more widespread in the current environment — both for the unemployed and the employed. This phenomenon affects managers and professionals, as well as hourly paid employees.

For example, Paul Osterman ("The Transformation of Work in the United States: What the Evidence Shows," in *Managing Human Resources in the 1990s and Beyond: Is the Workplace Being Transformed?* IRC Press, Queen's University, 1995, pp. 71-92.) suggests that three interrelated forces have brought on a wave of restructuring and insecurity in corporate America. First, increased competition has led firms to cut costs; second, activist stockholders have put companies under pressure to maximize returns; and third, new ideas about how best to organize business have pushed many functions within firms in the direction of decentralization and reduction. With a shift in human-resource policies, performance-based compensation shifts risk from the employer to the workers, and in a sense can be interpreted as a degradation of employment conditions. On the other hand, it also gives workers and teams which have new powers the opportunity to reap rewards from their efforts.

Note: The following four characteristics identified seem to be the by-product of the new industrial revolution and its effect on the workplace in the 1990s. Nevertheless, there is no strong empirical or theoretical reason to believe that the negative aspects of the CWW will continue to overwhelm the positive gains that it provides.

h) Despite Higher Technology, There Has Been a Surprising Absence of High-Paying Jobs Created in the 1990s: Another major characteristic of this CWW (at least in this decade) is that the labour market is generating a higher mix of low-wage and salary jobs than in the past. This is adversely affecting the distribution of income and also setting up intergenerational conflicts. We see this phenomenon not only at home, but also in the US labour market; that is, even in the US economy, most of the new jobs created in the 1990s have been relatively low-paying jobs.

i) An Increased Polarization of Working-Time Distribution: Since the mid-1970s, an increased polarization of working time has accompanied the general rising trend of unemployment in Canada. This is reflected in a significant increase in both long hours of work and in short hours of work and a very rapid growth of non-standard jobs (part-time workers, self-employed individuals, dependent and independent contractors, etc.). Some of these trends are cyclical; that is, they are related to recessions and/or weak economic growth, but deeper "structural" forces are also changing the distribution of working hours.

Statistics Canada has documented this shift to NSW in the Canadian labour market. For example, Deborah Sunter, ("Working Shift," in *Perspectives*, Statistics Canada, Spring 1993, pp. 16-23.) notes that 3 out of 10 Canadians work outside of the normal 9 to 5 day. These types of work schedules affected 2 million full-time and 1 million part-time employees in 1991. The article assesses the prevalence of non-standard work schedules, selected demographic and socio-economic characteristics of shift workers, and their main reasons for working shifts. The article suggested that the growth and prevalence of NSW warrants close attention. Currently, 3 million shift workers are exposed to the physical and social problems associated with non-standard hours, such as irregular sleep and eating patterns (physical-health problems) and must adapt their personal and family schedules to suit the demands of irregular shifts. The report noted that shift work can be advantageous to students and parents and that the incidence of shift work is likely to increase in conjunction with demands for greater productivity and customer convenience and the growth in part-time and student employment.

j) Disguised Unemployment: A significant number of part-time employees are truly underemployed. In 1993, for example, 760,000 people working part-time wanted full-time work.[40]

k) Technological Unemployment Seems to Have Become More Serious: Here we are referring to the fact that in the current labour market, many high-school graduates are simply too ill-equipped to win jobs which require computer, mathematics, or general literacy. This is reflected in high-school graduates (only) having significantly higher unemployment rates than university graduates, etc. As an Organization for Economic Co-operation and Development (OECD) report noted, "41 percent of all new jobs in the USA to 2005 will be in the highest skill groups, which may lead to a skills mismatch."[41]

---

[40] See Statistics Canada, *The Labour Force*. Various issues in 1993 and 1997. In these reports, there is a category describing part-time employees who wish to work full-time. The numbers in 1993 averaged 760,000.

[41] OECD Futures Studies Information Base Highlights, No. 19, November 1995. *The Future of Work: Towards Jobless Employment?*, p. 6.

C.2 Survey Method and Technical Notes

C.2.1 Notes on the Employer/Employee Surveys

The initial stage of the employer/employee surveys involved two major activities: (1) the validation of contact name and address information for employers (federally regulated and provincially regulated), and (2) the collection of sample lists of employees from the sampled federally regulated employers.[42]

Verification of employer addresses was highly successful, with verification completed by telephone and FAX, using existing databases. The employer sample was a stratified random sample of employers (stratified by industry sector and size as indicated by number of employees, thus allowing later weighting in the final survey analysis). Federally regulated employers were sampled from the 1997 survey database, and provincially regulated employers were sampled from published business directories.

The objective was to identify somewhat over 800 employers for the survey (additional verifications were completed as a contingency, in case some employers needed to be replaced in the survey). The following breakdown indicates the result of the survey verification step:

Address information, etc., verified	91.2%
Out of business	1.8%
No employees	0.8%
Refusals to provide information	1.8%
Not reached	4.4%
TOTAL	100.0%

Compilation of a Federal Sector Employee Sample: This component of the study was highly exploratory. A unique approach was required because no list of employees in federally regulated industries exists anywhere and because they are a rare population — about 1 in 20 of the Canadian workforce.

Because they account for only about 5 percent of the total Canadian workforce, it was anticipated that any type of population survey to identify federally regulated employees (e.g., by telephoning randomly selected households) would not be feasible for cost reasons alone. Additionally, previous research has indicated that it is no simple matter to determine whether in fact a person or firm falls into the federally regulated sector. Complicated questions are needed within many industries/sectors to determine whether a firm is in a federally regulated sector.[43]

---

[42] Alternatively, this step allowed the identification of a procedure with employers for the internal distribution of surveys where privacy policies presented an obstacle to the provision of names and addresses of employees directly to the consultants.

[43] For example, in the first phase of this evaluation in 1997, it was necessary to ask subsamples of firms in trucking detailed questions about whether they shipped interprovincially or internationally, whether there were interprovincial licences, etc.

Generally, the evaluators were extremely confident that, since employers are often unclear themselves as to whether they are federally regulated, employees would have only very unclear ideas about whether or not their employers were federally regulated.

Approach: Thus a direct path was chosen — to elicit the voluntary supply of sample lists of employees from federally regulated employers. The subsample of federally regulated employers contacted was randomly chosen from employers previously sampled for this evaluation's 1997 survey of federally regulated industries, and which were verified again in this 1998 survey.

Obstacles: Contacting firms directly and requesting these lists faced a number of obstacles. Most importantly, this step required firms to do some work for the survey, compiling lists, often in a form not usual to their operations, doing sampling, etc. For many firms, this was made more difficult because the survey occurred at "year end," making administrative demands at a time when businesses are least able to respond, having committed administrative, human-resources, and accounting staff to extensive year-end "roll-ups." Additionally, privacy concerns were expressed by some employers, particularly larger firms which were unable, they indicated, to release personal employee information.

Results: Generally, success was obtained in this sampling activity across all sectors (with allowance for alternative procedures for some larger employers to distribute the surveys internally to their own sample of employees [no names given out to the consultants]).

Overall, a pool of about 3,500 employees was identified by employers and captured to our database, from which a subsample was selected for the actual survey. Additionally, a number of surveys were distributed through employers. Overall, over 250 employers provided names or participated in the employee survey by agreeing to distribute the survey packages to a random sample of employees. Overall, the results were:

Provided names/addresses or sending	212 employers (58.4%)
Indicated preference to distribute surveys	50 employers (13.8%)
Refusals to participate in employee survey	101 employers (27.8%)

A different approach was taken to the compilation of comparison samples of provincially regulated employers and employees. Provincially regulated *firms* were sampled from business directories, including the CD-Pro Canada Directory of Businesses. These sampled firms were contacted in the same way as federally regulated firms to verify names, addresses, sector (non-federal) and to identify the contact persons to receive the survey. Provincially regulated *employees* were sampled by telephoning a random sample of Canadian households to identify a national sample of employees, with after-the-fact deletion of those in federal sectors.

Survey Process and Results: Each survey was a 10-page self-completion questionnaire (separate versions for employers and workers) mailed to each employer or worker at the address obtained in the initial screening. Most questions took the form of "check off the box" or circle the number (for attitude ratings). Non-respondents received up to two reminder mailings at intervals of approximately three weeks. The final survey-response rates were good, compared to typical mail surveys, after reminder mailings and follow-ups[44]. The response overall was 78 percent for federally regulated workers, 74 percent for federally regulated employers, 72 percent for provincially regulated workers, and 67 percent for provincially regulated employers. The surveys elicited good response rates and a wide range of reactions and questions from both employers and workers.

Workers expressed considerable interest in the survey in terms of its relevance to CWW issues of concern to individual workers. Many who telephoned us or wrote comments on the surveys expressed their concern about the CWW topics — that NSW issues were important to their lives, and that many issues emerged in their workplaces. Others had questions of a more mechanical nature — for example, some workers who received the survey from their employers (where employers were intermediaries for the survey distribution) asked us if the survey was completely confidential.

Employers also expressed interest in the survey beyond completion of the questionnaire — many asking if results would be made available. Not all employers completed the survey without extensive reminders. Many indicated that being "very busy" was an obstacle to completing the survey — that it was challenging nowadays to deal with the variety of government surveys/forms.[45] Even so, employer and worker surveys alike were well completed, with a low incidence of unanswered or poorly answered questions overall.

C.2.2 Data Reliability/Validity

The survey data exhibited good *reliability*, as tested with the statistical test Cronbach's alpha.[46] This specific test of reliability examines interitem correlations of the members of a questionnaire scale to indicate if the scale is reliable. An alpha of 0.7 or higher indicates that there is a high degree of interitem correlation among scale items and that the scale would be expected to produce reliable statistical information.

We tested reliability for several scales in the employer and worker surveys, with the following results. Specifically, these data-quality findings were:

Employers:

- Our overall indicator of employer assessments of workplace support for learning was reasonably reliable, with an alpha of 0.84.

---

[44] All returned employer and worker surveys were processed through SPR's Teleform system to produce data-analysis files for statistical data processing, using the Statistical Package for the Social Sciences.

[45] The survey of employers was also made more difficult by the fact that the survey arrived at a time when many employers indicated they were involved in year-end accounting, etc.

[46] Reliability is generally defined in measurement as the extent to which a measure is dependable, repeatable, will give the same result when used over and over again, accurately measuring the topic under examination.

- Our overall indicator of employer assessments of workplace support for quality work was more reliable, with an alpha of 0.89.

- Our overall indicator of employer assessments of workplace support for family life was highly reliable, with an alpha of 0.91.

Workers:

- Our overall indicator of worker assessments of workplace support for learning was reasonably reliable, with an alpha of 0.79.

- Our overall indicator of worker assessments of workplace support for quality work was highly reliable, with an alpha of 0.91.

- Our overall indicator of worker assessments of workplace support for family life was highly reliable, with an alpha of 0.93.

Validity of the survey data was indicated by a variety of **factor analyses** undertaken.[47] These analyses showed that key indicators measured for employers and workers represented more theoretically useful underlying dimensions of workplace attitude. Specifically, for example, a factor analysis of worker responses to quality-of-work survey questions identified several underlying factors:

- a productivity/fulfilment factor (jobs use of skills, productivity, personal fulfilment, participation);

- a sexual- and other-harassment factor with only two items, "sexual harassment" and "other harassment" (suggesting that harassment forms an underlying pattern in some workplaces);

- a security factor (income, recognition, secure future, workplace impact on family life); and

- a benefits/advancement factor (key benefits, such as pensions, dental, opportunities for advancement).

As is shown in Section C.2.5, the methodological robustness and usefulness of this type of data are further shown by analyses which illustrate how the data can be used to indicate *the incidence of long hours of work by sector* and by the ways in which the significance of CWW/NSW factors can be examined with *regression analyses*.

C.2.3 Weighting of Survey Results

In the employer and worker survey statistics, all results have been weighted to be indicative of the respective populations of federal and provincial/territorial sector employers and workers. This procedure was particularly necessitated by the lack of a precise sampling list for the surveys. Such lists do not exist, even for employers, in a simple way, since no agency collects exhaustive information on which businesses in Canada are federally and which are provincially/territorially regulated.

---

[47] Validity in measurement is generally viewed as the extent to which measures represent what they are supposed to measure — that the measurement concept is valid and relates to common-sense and theoretical views of what is to be measured.

The closest approximation to such a list is that provided by *the LOIS information system*, which compiles lists of firms which are visited or inspected or for which complaints are registered under any part of the Code. That list was shown to have substantial gaps, as illustrated in the 1997 labour standards evaluation, in that many firms it lists have ceased to operate and many others are unlisted although locatable through surveys of specific industries, such as trucking. Nonetheless, LOIS allows an estimate of the number of firms operating in the federal sector when combined with a survey estimate of those missed, such as was obtained in the 1997 evaluation. These data allow us to broadly picture the population of employers in the federal sector and provide the sampling base for this study. Using these data, a procedure for weighting the sampled federal-sector employers was implemented following the 1997 study data and procedure.

Numbers of employees in the federal sector can also be estimated, as is shown in reports such as *Industries Under Federal Jurisdiction: Contributing to Canada's Competitive Edge* (HRDC, December, 1997). There, for example, it can be noted that the banking subsector, while accounting for only 52 unique banks or employers, accounts for just over 200,000 of the some 700,000 plus workers in the federal sector (HRDC, 1997, pages 15-19) and that the transportation subsector (trucking, air, rail, water, pipelines) accounts for some 289,000 workers among many thousands of businesses, ranging in size from the large national carriers (Air Canada, Canadian Airlines, Canadian National, etc.) to very small independent trucking operations, many of which are owner operated (pp. 30-33), and so on.

Unfortunately, as noted earlier, there is no existing list of federal-sector versus provincial/territorial-sector employees, such as exists in LOIS. The employer-based listing procedure developed for this study results in a sample which can over represent or under represent particular sectors. This is a not-surprising shortcoming in such an exploratory study but requires remedy, in this case an indicative weighting of the worker survey data. To remedy this shortcoming, in the initial sampling, federal workers sampled were weighted to be representative of the estimated population of workers in federal subsectors. Thus, the statistical tables for federal workers represent a sample which was weighted upon initial selection to reflect the known distribution across sectors.

Provincial employers and workers data were similarly estimated when sampled, using an estimate of the provincial/territorial populations (national estimates [e.g., from Statistics Canada Business Registry], less estimated numbers of firms and workers previously estimated for the federal sectors). All statistical tables (percentages and means) in the report are weighted. However, future research should explore methods of better specifying the populations and sampling frames for federal and provincial sectors. This topic was also addressed by the provincial/territorial representatives the evaluators met with in Charlottetown in June 1998, as part of the meetings of the Labour Standards Working

Group of the Canadian Association of Administrators of Labour Law, who indicated a strong need for improved databases for the identification of federal versus provincial/territorial enterprises.

C.2.4 Hours of Work by Subsectors

One question of interest in the study was whether the tendency towards long hours — clearly a significant CWW issue overall but particularly in the federally regulated sector — was concentrated in only a few sectors or in many sectors. The research anticipated that trucking would be a key sector with long hours, because of the long hours usually logged by truckers (noted as an issue in the 1997 evaluation).

To examine this issue we considered eight sectors and the proportion of workers reporting working more than 40 hours a week on a regular basis. We grouped these into three subgroups, those where 60 percent or more of workers reported regularly working over 40 hours a week, those where 40-59 percent of workers reported regularly working over 40 hours a week, and those where 20-39 percent reported regularly working over 40 hours a week.

The results were as follows:

- Sectors with 60 percent or more of workers regularly working overtime were:
  — Trucking; and
  — Grain, Feed, and Fertilizer

- Sectors with 40-59 percent regularly working overtime were:
  — Transportation other than trucking;
  — Banking; and
  — Telecommunications

- Sectors with 20-39 percent reporting regularly working overtime were:
  — Other communications;
  — Crown corporations; and
  — First Nations.

Generally, these results suggested that while particular sectors may have a very high incidence of long hours, CWW work demands, in this case long hours for 20-60 percent or more of workers were to be found in a wide range of federally regulated sectors. In contrast, a parallel analysis of selected provincial sectors (manufacturing, human services, and retail) found that all of these fell into the lower group of overtime incidence, with 20-39 percent of workers reporting regular overtime.

These results suggest that long hours are a relatively pervasive problem for the federally regulated sector.

C.2.5 Indicators of Key CWW/NSW Impact Factors

A number of regression analyses were undertaken using the federal-sector worker survey data to see whether worker assessments of impacts on learning, family life, and other areas were independent of industrial sector or key demographics. To test this question, a number of regression analyses were undertaken, where independent variables were:

- **Sector indicators** (banking, trucking, etc., where in the analysis a sector took the value 1 if applicable to a given employee and 0 if not);

- **NSW indicators**, such as the extent to which workers were involved in self-employment, shiftwork, at-home work, unusual hours; and

- **Demographic indicators**, in this case age and sex.

These analyses (see subsequent pages for detailed regression results) indicated that two main factors emerged as potential causal factors, when other variables were controlled. These main factors were:

- **Long hours**, which had significant negative impacts on both learning outcomes and quality of family life; and

- **Shift work**, which had a significant negative relation to the quality of work.

Other relationships noted were association of employment in the banking sector with higher levels of security and association of at-home work with higher quality of work.

These results were of interest in further supporting workers subjective assessments of impacts of NSW and CWW, and of interest in suggesting key factors as central for consideration in future discussions relating CWW to labour standards.

Regression Summaries

Regression to Predict Quality of Work

Multiple *R*	0.22780
R Square	0.05189
Adjusted *R* Square	0.03307

Variables in the Equation

Variable	B	SE B	Beta	T	Sig T
Banking	0.049398	0.098539	0.022914	0.501	0.6164
Crown	-0.139976	0.124383	-0.049372	-1.125	0.2609
Trucking	-0.058497	0.091031	-0.031877	-0.643	0.5207
Othtrans	0.184362	0.104637	0.079628	1.762	0.0786
Communs	0.079831	0.116015	0.030487	0.688	0.4917
Self-emp.	0.201926	0.192541	0.045037	1.049	0.2948
Homework	0.122395	0.052469	0.109006	2.333	0.0200
Longhour	0.061849	0.049652	0.063492	1.246	0.2134
Shiftwrk	-0.184400	0.059976	-0.140171	-3.075	0.0022
Sex	-0.075109	0.072102	-0.047703	-1.042	0.2980
Age	0.001616	0.003205	0.021368	0.504	0.6143
(Constant)	3.596747	0.190369		18.894	0.0000

Regression to Predict Learning Opportunities in the Job

Multiple *R*	0.19037
R Square	0.03624
Adjusted *R* Square	0.01710

Variables in the Equation

Variable	B	SE B	Beta	T	Sig T
Banking	0.014778	0.093419	0.007290	0.158	0.8744
Crown	-0.036769	0.117920	-0.013792	-0.312	0.7553
Trucking	-0.087457	0.086301	-0.050684	-1.013	0.3113
Othtrans	-0.100416	0.099200	-0.046124	-1.012	0.3119
Communs	-0.212727	0.109987	-0.086396	-1.934	0.0536
Self-emp.	-0.041666	0.182537	-0.009883	-0.228	0.8195
Homework	0.079673	0.049743	0.075462	1.602	0.1098
Longhour	-0.118590	0.047072	-0.129467	-2.519	0.0120
Shiftwrk	-0.038674	0.056859	-0.031264	-0.680	0.4967
Sex	-0.011327	0.068356	-0.007651	-0.166	0.8684
Age	-0.002538	0.003039	-0.035687	-0.835	0.4040
(Constant)	3.245505	0.180477		17.983	0.0000

Regression to Predict Security Features of the Job

Multiple *R*	0.16271
R Square	0.02648
Adjusted *R* Square	0.00715

Variables in the Equation

Variable	**B**	**SE B**	**Beta**	**T**	**Sig T**
Banking	0.221651	0.102851	0.099818	2.155	0.0316
Crown	-0.144380	0.129826	-0.049440	-1.112	0.2666
Trucking	0.063739	0.095014	0.033721	0.671	0.5026
Othtrans	0.036972	0.109216	0.015503	0.339	0.7351
Communs	-0.033230	0.121092	-0.012320	-0.274	0.7839
Self-emp.	0.204105	0.200967	0.044195	1.016	0.3103
Homework	0.048549	0.054765	0.041977	0.886	0.3757
Longhour	0.061764	0.051825	0.061555	1.192	0.2339
Shiftwrk	-0.038412	0.062600	-0.028347	-0.614	0.5397
Sex	-0.002687	0.075257	-0.001657	-0.036	0.9715
Age	-0.003335	0.003346	-0.042811	-0.997	0.3193
(Constant)	3.051398	0.198699		15.357	0.0000

Regression to Predict Impact on Quality of Family Life

Multiple *R*	0.16205
R Square	0.02626
Adjusted *R* Square	0.00693

Variables in the Equation

Variable	**B**	**SE B**	**Beta**	**T**	**Sig T**
Banking	-0.013141	0.030748	-0.019797	-0.427	0.6693
Crown	0.011460	0.038812	-0.013128	-0.295	0.7679
Trucking	0.003758	0.028405	0.006651	0.132	0.8948
Othtrans	-0.030308	0.032650	-0.042515	-0.928	0.3537
Communs	0.006663	0.036201	0.008265	0.184	0.8540
Self-emp.	-0.015211	0.060079	-0.011018	-0.253	0.8002
Homework	0.026261	0.016372	0.075960	1.604	0.1093
Longhour	-0.041976	0.015493	-0.139949	-2.709	0.0070
Shiftwrk	-0.007849	0.018714	-0.019377	-0.419	0.6751
Sex	-0.009764	0.022498	-0.020140	-0.434	0.6645
Age	1.62580E-04	0.001000	0.006978	0.162	0.8710
(Constant)	3.272315	0.059402		55.088	0.0000

C.3 International Profiles: Overview

Purpose: The purpose of this Appendix is to review labour standards in various jurisdictions in order to provide comparative data for an evaluation of the Code (Part III) undertaken by SPR Associates on behalf of Human Resources Development Canada (HRDC). The review includes five foreign jurisdictions (four countries and the European Community) and four Canadian provinces. The results presented in this report are primarily based on a literature review of publicly available sources and interviews with stakeholders at the national and international levels. All reasonable efforts have been made to provide an accurate picture of foreign legislation, but the completeness of the information contained in this report is largely subject to the availability of public sources.

Rather than seeking to provide a comprehensive review of the labour standards system in the selected jurisdictions, this review focused on a few issues of interest for HRDC. These issues include the regulation of new forms of employment (teleworkers, dependent contractors, etc.), the increasing reliance on part-time work, family-friendly policies, continuing education and training, and the legislative agenda for future reforms in the area of labour standards. Several of these issues were found to have received little attention in the selected jurisdictions. The information provided in the following pages is a summary of the most relevant features of the various systems reviewed with respect to the subject areas enumerated above.

A brief profile of the labour standards system in each of the selected jurisdictions is provided below.

Overview of the Foreign Jurisdictions: The jurisdictions reviewed were selected to provide a diversified sample of countries and provinces, as well as to include some of Canada's major trading partners. The four countries reviewed were Australia, Sweden, the United States, and the United Kingdom. They include countries of different sizes and different types of governments and two of Canada's major trading partners. The four Canadian provincial jurisdictions included in the review were British Columbia, Ontario, Quebec, and Saskatchewan.

Unlike Canada, Sweden and the United Kingdom have centralized governments with full policy-making and legislative authority over labour laws. In the United States, the responsibility for labour standards is split between the federal and state authorities. There is considerable overlap between the two levels of government, since businesses subject to federal labour laws must also comply with state legislation to the extent that there are no inconsistencies between the two. This overlap has meant that the US federal government has been less active in the field of labour standards than its Canadian counterpart. Australia has a similar split of legislative and policy-making authority between the centralized and state authorities. A comprehensive federal system of awards in the area of standards awards, however, has generally meant less overlap between the two levels of government.

Size of Public Sector and Unionization: Sweden distinguishes itself from other countries selected by the size of its public sector and its tax revenues. While Australia, the United States, and the United Kingdom have a public sector representing about 15 percent of their total workforce, Sweden's public sector encompasses some 30 percent of the whole workforce. On the tax-revenue side, Australia, the United States, and the United Kingdom raise an amount of tax revenues from all levels of government equal to about 30 percent of their total gross domestic product (GDP), while this amount is equal to more than 50 percent of the GDP in Sweden.

These figures illustrate a political and social climate in Sweden much more favourable to government intervention than in the other countries studied. This has been reflected in the area of labour laws as well, with a more comprehensive set of regulations and a stronger participation in unions. Sweden has a union density rate equal to more than 90 percent of its workforce, while the United States has the lowest union participation level of all countries selected, with a rate below 15 percent. Australia and the United Kingdom each have about one-third of the workforce represented by unions, which is also approximately the rate in Canada.

Industry-Based Systems: The general approach to labour standards in the jurisdictions reviewed is to enact uniform requirements applicable to the entire workforce. Australia, however, has a somewhat unique model relying on industry-based awards. (See section C4.1)

C.4 Overview of Selected Countries' Labour Legislation

C.4.1 Australia

Basic Facts:	
Population:	18,054,000
GDP per capita in US$ (1995):	19,314
Trade balance as perc. of GDP:	- 1.4%
Tax rev. as a perc. of GDP:	34.2%
Perc. of public-sector employ.:	16.6%
Unionization rate:	35.1%

Source: OECD Statistics 1997, except for unionization density rates taken from World Labour Report 1997-98, ILO, Geneva, 1997.

Overview of the System: The Australian system of labour standards is based on a complex combination of legislation and judicial awards at both the federal and state levels. The federal government derives its power to legislate in the area of labour laws from its constitutional jurisdiction over international and interstate arbitration and conciliation, international and interstate trade and commerce, trading, and financial corporations and its power to implement international treaties and agreements. The system also favours the development of individual and collective agreements to regulate labour relations, both in unionized and non-unionized workplaces.

An award is an order by an industrial-relations tribunal setting out the minimum rates of pay and conditions of employment which apply to employees in a particular industry. The award is usually made at the request of an employer or employee organization or for the settlement of industrial disputes. Awards are binding on all employers in an industry or occupation, whether or not they were parties to the making of the order. Usually, awards deal with conditions of employment such as hours of employment, pay rates, penalty rates, allowances, leave entitlement, employment protection provisions and part-time or casual work. Sometimes both federal and state awards apply to one workplace, albeit to different categories of employees.

Recent Reforms: In 1996, the Australian government undertook a reform to modernize its industrial-relations legislation. The stated objectives of the reform were:

- to give responsibility for industrial relations and agreement-making to employers and employees at the enterprise and workplace levels;
- to focus the role of the award system on providing a safety net of fair and enforceable minimum wages and conditions;
- to ensure freedom of association;
- to avoid discrimination;
- to assist employees to balance their work and family responsibilities effectively; and
- to assist in giving effect to Australia's international obligations in respect of labour standards.

One of the main aspects of this reform was to simplify the system of awards, which constitutes the core of labour standards at the federal level. This objective has been achieved by confining the authority to make awards of the labour tribunal to 20 specific areas. These areas include classification of employees, ordinary hours of work, rates of pay, annual leaves, long service leaves, personal and career leaves, public holidays, allowances, overtime, notices of termination, type of employment, etc. Other areas which are not listed items are determined at the enterprise or workplace levels, either through formal agreements or informally. Employers who enter into agreements with their employees must show that their agreements meet the no-disadvantage test, that is, that they are no less favourable to the employees concerned than the relevant awards and any relevant laws.

Part-Time Work: Another aspect of the reform was to encourage the use of regular part-time work over casual employment. The government acknowledged that regular part-time employment had a number of advantages over casual employment for workers balancing work and family responsibilities or other commitments, such as study. Moreover, regular part-time employees have access to employment conditions on a pro rata basis, such as parental and career's leaves.

The new legislation aims to remove unnecessary constraints on regular part-time work by applying awards and providing greater access to part-time work. The legislation defines part-time employee as an "employee who works less than full-time ordinary hours, who has reasonably predictable hours or work and who receives, on a pro-rata basis, equivalent pay and conditions to those specified in an award or awards for full time employees who do the same work" (s. 4(1)).

The legislation provides that new awards will not include provisions limiting the number or proportion of workers employed in regular part-time and casual employment. Awards will include, where appropriate, provisions to facilitate the use of regular part-time workers and may include provisions relating to the minimum number of consecutive hours that regular part-time employees may be required to work and facilitating a regular pattern in the hours of work.

Work and Family: One of the stated objectives of the new legislation is to assist employees "to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers." Moreover, the legislation prohibits discrimination in employment relationships on the ground of "family responsibilities." The labour tribunal must take these two objectives into account in the performance of its award-making function. More specifically, the labour tribunal is allowed to make awards in relation to:

- ordinary-time hours of work and the times within which they are performed, rest breaks, notice periods, and variations to working hours;

- personal/career leave, including sick leave, family leave, bereavement leave, compassionate leave, and other like forms of leave;

- parental leave, including maternity and adoption leave;

- allocation of time for working overtime or for casual or shift work; and

- types of employment, such as full-time employment, casual employment, regular part-time employment, and shift work.

Many businesses in Australia are subject either exclusively or concurrently to state labour legislation. The regulatory system at the state level resembles that of the federal government. Labour issues are regulated by a combination of awards and legislative requirements, but state legislatures have generally been more active in the enactment of uniform employment conditions applicable to the entire workforce.

C.4.2 Sweden

Basic Facts:	
Population:	8,827,000
GDP per capita in US$ (1995):	26,096
Trade balance as perc. of GDP:	6.3%
Tax rev. as a perc. of GDP:	51.0%
Perc. of public-sector employ.:	32.0%
Unionization rate:	91.1%
Source: OECD Statistics 1997, except for unionization density rates taken from World Labour Report 1997-98, ILO, Geneva, 1997.	

Overview of the System: The basic foundations of Sweden's current labour legislation were enacted in the 1970s. In the area of labour standards, the *Employment Protection Act* was first adopted in 1974. This Act differentiates between temporary and permanent employment, granting different rights to each of these categories of workers. Permanent employees can only be dismissed for just cause and are entitled to notices of termination varying between one and six months, depending on their age. Shortage of work is a valid ground for dismissal, but employers must follow a certain order of seniority, and employees dismissed have a priority for reemployment.

Temporary work refers to contract work with a specified period of employment. Employment is presumed to be permanent unless provided otherwise. Workers who are employed on a temporary basis may be dismissed without notice and without cause at the end of their stated period of employment. If the period of employment has been long — usually more than 12 months during the previous 2 years — the employer is required to give a notice of at least 1 month and the employee has a priority for reemployment in the following 12 months, if the reason for dismissal was shortage of work.

The Act imposes limitations on the use of temporary employees and requires that such type of employment be justified by the particular nature of the work to be performed or that the employment be related to practical training or apprenticeship. In 1982, the Act was amended to further expand the number of situations in which it is permissible to resort to temporary employment. These include replacement employees during holidays, additional employees required because of temporary piling-up of work, employment while awaiting compulsory military service, employment of workers who have reached pensionable age, and employment on a trial basis of up to six months. In 1994, the allowable period of employment on a trial basis was increased to 12 months and employers obtained additional discretion in deciding which employees to keep in case of work shortage. However, these two latter provisions were abolished in 1995 after a change of government.[48]

---

[48] Adapted from: Ann Numhausser-Henning, "Temporary Employment: A Critical Study of the Swedish Regulations Covering Categories of Employment and Their Functions," in *Comparative Labour Journal*, pp. 36-64 and Swedish Institute, Fact Sheet on Labour Relations in Sweden, April 1996.

Other Legislation: Under the *Parental Leave Act* (1995), a female employee is entitled to receive up to 14 weeks of complete leave in connection with the birth of her child or breast feeding. Complete leaves are also available to parents until their child reaches the age of 18 months. Parental leaves in the form of a reduction in working hours may be available until a child reaches the age of eight years, and temporary leaves are available to care for a child. Most of these leaves can give rise to benefits under the *National Insurance Act*.

The *Annual Leave Act* (1977) requires employers to grant a minimum of 25 days of annual leave to employees who commenced their period of employment prior to the beginning of a year. Employees are entitled to receive holiday pay to the extent that they qualify for such pay in the year preceding that in which their annual leave is taken. An employee's holiday pay amounts to 12 percent of the wages earned in the qualifying year.

The *Working Hours Act* (1982) prescribes that regular working hours may not exceed 40 hours per week. Home-based workers and employees exercising managerial functions are excluded from this requirement. Averaging of working hours is possible for a period not exceeding four weeks. The legislation imposes a ceiling on overtime equal to 48 hours for any period of four weeks, 50 hours for any calendar month or 200 for any calendar year. This ceiling can only be exceeded in cases of emergency. There is no legislated premium for overtime. A ceiling of additional hours for part-time workers is also legislated. Part-time workers may not work more than 200 hours in addition to their regular hours.

The *Employee's Right to Educational Leave Act* (1974) increased the opportunity for employees to be granted leave of absence from work to pursue studies of varying periods. The legislation provides that all employees who have been employed for the preceding 6 months or at least 12 months in the preceding two years are entitled to leave of absence to pursue educational programs. When a significant part of the training program concerns trade-union matters, this qualifying period is waived. Employers are allowed to require that the leave be postponed within certain limits.

Recent Reforms:[49] In December 1996, the Swedish Parliament enacted a number of modifications to the legislation governing labour standards. The new legislation was based on four basic objectives, that is the need:

- to tackle unemployment and the stated objective of the government to reduce the number of registered unemployed by half;
- to adapt legislation to the changing labour market;
- to provide sound and stable labour laws to encourage flexibility and productivity; and
- to promote equal opportunities between men and women.

---

[49] Adapted from Swedish Ministry of Labour, Secretariat for Information and Communication, Fact Sheet Regarding the Changes to Swedish Labour Legislation, December 1997.

In order to introduce greater flexibility into the hiring of new staff, a new contract of employment has been created. The *specified temporary* contract of employment allows employers to hire staff for a specified period of up to 12 months without giving any special grounds. The same employee may be hired on a specified temporary contract for a maximum of 12 months during a three-year period. The minimum duration of this contract is 1 month. A maximum of five members of staff may be engaged simultaneously on specified temporary-employment contracts with the same employer.

A new rule in the *Employment Protection Act* now provides that part-time employees who have adequate qualifications have a first right to increase the number of hours they work if additional work is available. Moreover, a time limit is now imposed on contracts for substitute positions. Contracts for substitute positions which are renewed several times by the same employer can now be transformed into permanent employment contracts if the employee has held the position for a total of three years during a five-year period.

Another change introduced in the new legislation relates to the period of termination notice. Previously, the period of termination notice was based on the age of the employees. The objective was to protect older workers in the labour force, but the provision also meant that hiring older workers involved greater risk to the employer. Under the new rules, the period of termination notice is linked instead to the duration of employment. The minimum period of one month increases progressively by another month for each period of two years of employment up to a maximum of six months.

Finally, the rules relating to the right to reemployment of former workers who were dismissed on the ground of redundancy were changed. The period during which a former employee has a priority for reemployment was shortened from 12 to 9 months.

Agenda for Future Reforms: The government has announced its agenda for future reforms to labour legislation. Policy reviews and new measures are to be expected, notably in the areas of the development of skills and competence, the activities of private employment agencies, and the impact of new information technologies on work, particularly with respect to teleworking.

C.4.3 United Kingdom

Basic Facts:	
Population:	58,613,000
GDP per capita in US$ (1995):	18,777
Trade balance as perc. of GDP:	- 0.8%
Tax rev. as a perc. of GDP:	37.3%
Perc. of public-sector employ.:	14.0%
Unionization rate:	32.9%
Source: OECD Statistics 1997, except for unionization density rates taken from World Labour Report 1997-98, ILO, Geneva, 1997.	

Overview of the System: The United Kingdom has generally adopted a less interventionist approach to labour standards than most other industrialized countries. Current legislation regulates certain aspects of contracts of employment, such as redundancy payments, unfair dismissal, maternity leave, etc. However, many other aspects of labour standards are not specifically regulated by statutes. This is the case, for instance, in relation to hours of work, which are not specifically regulated, with the exception of a provision giving shop workers and certain other workers the right to refuse work on Sundays. Similarly, the United Kingdom has recently dismantled its Wages Councils, which were formerly mandated to regulate the rate of minimum pay. As a result, no wage protection exists for low-wage workers in the British workforce.

Recent Reforms: A new *Employment Rights Act* was adopted by the British Parliament in 1996. This legislation is a consolidation of worker's rights previously contained in a number of other statutes, such as the *Employment Rights Act* (1980), the *Trade Union Reform and Employment Rights Act* (1993), the *Employment Protection (Part-Time Employees) Regulations* (1995). This new legislation covers labour standards in a number of areas, including written particulars of employment, guarantee payments, maternity rights, etc.

The Act provides that, within two months of the beginning of employment, a written statement of the main particulars of employment must be given to employees. The statement should include, among other things, details of pay, hours, holidays, notice period, and information on disciplinary and grievance procedures. Employees who are not provided with a written statement of employment particulars by their employer or notification of a change in those particulars or who contest the accuracy of the written statement may refer the matter to an industrial tribunal. Similarly, all employees are entitled to receive an itemized written pay statement at or before the time of payment of their wages.

The British legislation requires both employers and employees to provide notice of termination of employment. Employees with one month or more of continuous employment are required to provide a notice of one week. Employers are required to provide a notice varying between 1 and 12 weeks according to the length of continuous employment. The minimum notice period is one week for employees with at least one month of continuous employment, two weeks after two years of employment, three week after three years and so on up to the maximum notice of termination. Upon request, an employer is also required to provide a written statement of the reasons justifying a dismissal.

The British legislation provides a mechanism to arbitrate complaints of unfair dismissals. This process is usually available to all employees with at least two years of continuous employment. This qualifying period is reduced or inapplicable in certain circumstances, particularly when the ground for dismissal relates to union activities, claims of statutory employment rights, health and safety, etc. Dismissals will normally be considered fair if they relate to the employee's conduct, the employee's capabilities or qualifications, redundancy, or a statutory duty or restriction which prevents the continuance of the employment relationship.

Several provisions in the British legislation relate to pregnancy and maternity leaves or pay. First, all pregnant employees are entitled to reasonable time off to keep appointments made on the advice of a registered medical practitioner, midwife, or health visitor for antenatal care. Second, all pregnant employees are entitled to a period of statutory maternity leave of up to 14 weeks, regardless of their length of service. During these 14 weeks, the employee is entitled to the benefit of all normal terms and conditions of employment, except remuneration. However, a woman may be eligible for Statutory Maternity Pay or Maternity Allowances, if she qualifies under the minimum eligibility rules. Female employees with at least two years of continuous employment are eligible for an additional maternity leave which may bring their total period of leave to around 40 weeks overall.

The *Employment Rights Act* includes a provision requiring employers to make guarantee payments in respect of days when an employer does not provide work (because of reduced demands, lack of raw materials, etc.), although workers would normally be expected to work on those days under their employment contract. Employees with at least one month of continuous employment are entitled to receive guarantee payments in respect of up to five days in any period of three months. Such payments do not have to be made if the employee unreasonably refuses suitable alternative work, fails to comply with the employer's reasonable requirement to be available for work or during lay-off resulting from strike, lock-out, or other industrial action.

Employees who have two years of continuous employment and who are dismissed on the ground of redundancy are entitled to receive a lump-sum payment from their employer. This "redundancy payment" is calculated on the basis of the employee's age, length of continuous service, and weekly pay. Redundancy payments are not available if the employee has reached normal retirement age or has been offered adequate replacement employment from the employer. Finally, an employee who becomes redundant and who has been continuously employed for at least two years is entitled, while under notice of termination, to take reasonable time off with pay during working hours to look for another job or to make arrangements for training for future employment.

C.4.4 United States

Basic Facts:	
Population (1995):	263,057,000
GDP per capita in US$ (1995):	26,438
Trade balance as perc. of GDP:	- 1.6%
Tax rev. as a perc. of GDP:	31.7%
Perc. of public-sector employ.:	14.0%
Unionization rate:	14.2%

Source: OECD Statistics 1997, except for unionization density rates taken from World Labour Report 1997-98, ILO, Geneva, 1997.

Overview of the System: The regulation of labour standards in the United States is divided between the federal and state governments. At the federal level, regulations deal mostly with issues such as minimum wage, family and medical leaves, notification for collective dismissals, and the prohibition of child labour. Federal legislation ensures a relatively minimal coverage for workers, compared to that in many other industrialized countries. State legislation often provides more advantageous treatment for workers, and the law setting the higher standards must be observed when both federal and state laws apply to a single undertaking.

Minimum Wage and Hours of Work: The *Fair Labor Standards Act* (FLSA) was originally enacted in 1938. Since September 1, 1997, it requires employers to pay their employees a minimum wage of $5.15 an hour. Youth under the age of 20 may be paid a minimum wage of not less than $4.25 an hour during the first 90 consecutive calendar days of employment. The Act also requires that covered employees be paid not less than one and one-half times their regular rates of pay for all hours worked in excess of 40 in a workweek.

Performance of certain types of work in an employee's home is prohibited under the Act unless the employer has obtained prior certification from the Department of Labor. This provision relates more to health and safety regulations, since the type of industries requiring such certification are mostly in the manufacturing sector. However, employers wishing to employ home workers in these industries are required to, among other things, provide written assurances to the Department that they will comply with the Act's wage and other requirements.

Family and Medical Leave Act: The *Family and Medical Leave Act* (FMLA) was originally enacted in 1993 and is intended to provide a means for employees to balance their work and family responsibilities by taking unpaid leave in certain circumstances. The FMLA provides entitlement to job-protected, unpaid leave of up to 12 weeks during any 12 months for the following reasons:

- birth and care of the employee's child or adoption of a child;
- care of an immediate family member who has serious health condition; or
- for the employee's own serious health condition.

During a period of FMLA leave, an employer must maintain any group benefit that the employee was receiving at the same level and in the same manner as if the employee had continued to work. Under most circumstances, an employee may elect or the employer may require the use of any accrued paid leave (vacation, sick, personal, etc.) before the commencement of unpaid FMLA leave.

Collective Dismissal: Under the *Worker Adjustment and Retraining Notification Act* (WARN), employers must provide notification of 60 calendar days in advance of plant closings and mass layoffs. Advance notice provides workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs, and, if necessary, to enter skill training or retraining that will allow these workers to successfully compete in the job market.

A covered plant closing occurs when a facility or operating unit is shut down for more than six months, or when 50 or more employees lose their jobs during any 30-day period at a given site of employment. A covered mass layoff occurs when a layoff of six months or longer affects 500 or more workers, or 33 percent or more of the employer's workforce when the layoffs affect between 50 and 499 workers. The number of affected workers is the total number laid off during a 30-day or, in some cases, a 90-day period.

Other Federal Standards: Other labour standards at the federal level provide protection to workers against dismissal or discrimination in the event that their wage is garnisheed or following a good-faith complaint made against the employer about health and safety hazards in the workplace and the environment. Moreover, employers are prohibited from hiring youth under the age of 14, except for limited exceptions. Employment of youth between the ages of 14 and 18 is regulated. Finally, labour standards prohibit most private employers from using lie-detector tests either for pre-employment screening or during the course of employment.

C.4.5 European Community

Overview of the Institutions: The law and decision-making powers of the European Community are driven by three main institutions: the European Commission, the Council of the European Union (or the Council of Ministers), and the European Parliament. Most policies of the European Community are initiated by the Commission and subsequently debated and adopted by the Council or jointly by the Council and the Parliament. Community legislation can take different forms, such as regulations which are directly applicable without state intervention, directives which are binding on member states but require legislative enactment at the state level, or recommendations and opinions which are not binding on the member states.

The European Community has developed policies in the area of labour laws aimed at protecting the free movement of workers, the equal treatment for men and women, basic working conditions, and health and safety at work. Most of these policies have been pursued through the adoption of Directives imposing guidelines on member states for the adoption of national legislation, but occasionally the policies have been implemented through other less constraining measures, such as the release of opinions or White Papers (e.g., fair pay and working time for sectors and activities excluded from the Directive). These policies have touched on areas such as collective redundancies, organization of working time, part-time work, fair pay, etc. The Commission also proposes to examine other issues in the future, including fixed-duration contracts, temporary work, home working, and individual redundancies.

Some of the European Community's main actions in areas of labour standards are detailed below.

Collective Redundancies: In 1975, the Council adopted a Directive on collective redundancies. The Directive requires that national legislation provide for mechanisms where an "employer contemplating collective redundancies must hold consultations with workers' representatives, with a view to reaching an agreement [covering the] ways and means of avoiding the redundancies or reducing the number of workers affected and mitigating the consequences, in particular by recourse to accompanying social measures aimed at redeploying or retraining those workers made redundant."

Under an amendment to the Directive made in 1992, national legislation must also require employers to provide worker's representatives with all relevant information concerning the redundancies, including the reason, period during which they are to be effected, the number and category of workers to be made redundant, the criteria used to select those workers, etc. Employers are also required to provide adequate written notice of at least 30 ways to the competent public authority of any projected collective redundancies.

Organization of Working Time: In 1993, the Council adopted a Directive concerning certain aspects of the organization of working time. The Directive applies to all sectors of activities, excluding certain industries, such as transport, activities at sea, and doctors undergoing training. The Directive requires that member states take measures to ensure that all workers enjoy a minimum daily rest of 11 consecutive hours, a minimum weekly rest of one day, a break for every period of consecutive work of more than six hours, not less than four weeks of annual paid holiday, and an average weekly working period of not more than 48 hours, including overtime. The Directive also provides that normal hours of work for night workers must not exceed an average of 8 hours in any 24-hour period.

Member states may stipulate time periods for labour standards, not exceeding 14 days for weekly rest period or four months for maximum weekly working period and for the duration of night shifts. The Directive allows derogation when the duration of work is not measured or is predetermined by the worker himself. It is provided, however, that any such derogation must preserve the protection of workers' health and safety.

Transportation workers who are specifically excluded from this Directive are subject to a regulation adopted by the Council in 1985. This regulation provides a minimum regulatory age to be a truck driver and sets the maximum daily driving hours at nine and the maximum weekly driving days at six. The regulation provides mandatory breaks and rest periods.

Finally, the Commission issued a White Paper in July 1997 concerning sectors and activities excluded from the working-time Directive. The White Paper discussed the potential actions that may be taken by the European Community to regulate sectors initially excluded from the Directive, but no specific decisions have yet been made.

Part-time Work: The issue of part-time work has been debated for some time in the European Community. The Council finally adopted a Directive in December 1997 which implemented a Framework Agreement on Part-time Work that had been concluded with different social partners earlier in the year. The purpose of the agreement is to eliminate discrimination against part-time workers and to improve the quality of part-time work. The Directive provides that part-time workers should not be treated in a less favourable manner than comparable full-time workers in respect of employment conditions, solely because they work part-time, unless different treatment is justified on objective grounds. Member states are allowed, however, to make access to particular conditions of employment subject to a period of service, time worked, or earnings qualifications.

The Directive provides that member states should review and eliminate obstacles to part-time work. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for dismissal. Whenever possible, however, employers should give consideration to request from employees to increase or reduce their hours of work and should provide timely information on the availability of part-time work in the enterprise.

The implementation target date of this Directive for member states is January 20, 2000.

Fair Pay Arrangements: In 1993, the Commission released an opinion regarding fair pay arrangements and equitable wages. The opinion affirmed the principle that all workers have a right to receive equitable wages, i.e., a reward for work done which, in the context of the society in which they live and work, is fair and sufficient to enable them to enjoy a decent standard of living. The opinion states that member states should formulate their economic and social policies with the following objectives in mind:

- the improvement of the transparency of data on wages, particularly by establishing better systems for the collection and dissemination of wage data;
- the right to an equitable wage, particularly with the elimination of discrimination and the establishment of measures aimed at protecting the vulnerable members of society; and
- the improvement of the long-term productivity and earnings potential of the workforce by increasing investment in human resources.

Other Directives: In 1991, the Council adopted a Directive on the employer's obligation to inform employees of the conditions applicable to their employment contract or relationship. The Directive seeks to impose a duty on the employer to provide employees with basic information relating to their contract of employment, including the job specifications, commencement and end (if term) of the employment relationship, the amount of paid leave, the period of notice to be observed for termination, the remuneration, the length of the working day and week, etc.

A Directive adopted by the Council in 1977 requires member states to enact legislation safeguarding employees rights in the event of transfers of undertakings, businesses, or parts of businesses. Under the terms of the Directive, state legislation should provide that the rights and obligations arising from a contract of employment or from an employment relationship existing at the time of a transfer should pass on to the new employer. Transfer of business does not constitute a ground for dismissal, which may only take place for economic, technical, or organizational reasons or when member states make exceptions in respect of specific categories of employees. The Directive also includes certain provisions requiring employers to inform their employees representative at the appropriate time of the reasons and implications of the transfer.

A Council Directive adopted in 1980 relates to the protection of employees in the event of insolvency of their employer. The Directive provides that institutions should guarantee payment of employees' outstanding claims relating to pay for the period prior to the onset of the employer's insolvency, the date of the notice of dismissal, or the date on which the contract of employment was discontinued.

Other policies adopted by the European Community include a Directive prohibiting the employment of children (*Protection of Young People at Work*, 1994) and another Directive protecting workers who, for a limited period, carry out their work in the territory of a member state other than the state in which they normally work (*Posting of Workers, 1996*).